

**AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO COMPREHENSIVE PLANNING AND LAND USE REGULATIONS, AMENDING THE BELLINGHAM COMPREHENSIVE PLAN AND BMC TITLE 20, LAND USE DEVELOPMENT ORDINANCE, TO ESTABLISH A NEW LAND USE REGULATORY SYSTEM.**

**WHEREAS**, the State of Washington through the Growth Management Act (GMA) sets legal requirements for communities' comprehensive plans and development regulations; and

**WHEREAS**, the City of Bellingham's land use regulatory system is 25 years old and was established prior to the GMA, regulatory reform, and the Bellingham Comprehensive Plan. In some aspects, the system is inconsistent with the goals, policies and requirements in these documents; and

**WHEREAS**, the current regulatory system is inconsistent with the GMA requirement for a clear distinction between plans and regulations; and

**WHEREAS**, an independent study by an experienced land use law consultant team recommends that the current system be significantly revised to address a number of legal and procedural issues; and

**WHEREAS**, understanding and administering the current system is difficult and time consuming for staff, leaving insufficient resources to address the many comprehensive long-range planning issues facing the community; and

**WHEREAS**, the proposed changes to the neighborhood plans consolidate zoning and related development regulations in the Land Use Development Ordinance. No change to any zoning or development regulation occurs as a result of this action; and

**WHEREAS**, the new land use regulatory system is intended to:

1. Encourage and facilitate development that is consistent with the goals and policies of the GMA and Bellingham's Comprehensive Plan.
2. Promote development that maintains and enhances the unique character of Bellingham neighborhoods.
3. Encourage citizen involvement in land use planning and project review.
4. Assure fair and predictable results and avoid unnecessary delays.
5. Organize, consolidate and simplify development regulations and permitting procedures.

6. Develop a system that is easier and more cost effective to administer.
7. Develop a system that is financed primarily through user fees.
8. Accommodate the use of a number of regulatory tools and processes such as design review, PUDs, site plan review, and transfer of development rights.
9. Ensure consistency with the state Growth Management Act and other relevant laws; and

**WHEREAS**, The neighborhood plans are, and will continue to be, part of the city's comprehensive plan and therefore important planning tools. The neighborhood plans are policy documents that will continue to guide decisions on discretionary land use permits and the development of environmental and land use regulations and capital facility plans; and

**WHEREAS**, neighborhood plans are part of the comprehensive plan and therefore are policy documents that should not contain zoning regulations; and

**WHEREAS**, as required by RCW 36.70A, notice of the city's intent to adopt the proposed comprehensive plan and neighborhood plan amendments was filed with the Department of Community, Trade and Economic Development and sent to other reviewing agencies at least 60 days prior to final adoption of this ordinance; and

**WHEREAS**, after mailed and published notice, the Planning Commission held public hearings on the proposed regulatory system changes on August 5 and October 21; and

**WHEREAS**, after mailed and published notice, the City Council held public hearings on the proposed regulatory system changes on September 13 and November 8; and

**WHEREAS**, the City Council has considered the recommendations of the Planning Commission, the staff report and the public comment and hereby adopts the findings, conclusions and recommendations of the Planning Commission.

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

**Section 1.** The Land Use Element of the Bellingham Comprehensive Plan is hereby revised to read as shown in Attachment 1.

**Section 2.** The 23 Bellingham Neighborhood Plans shall be amended as shown in Attachment 2.

**Section 3.** B.M.C. Title 20 is hereby amended to include Appendix 20-A as shown in Attachment 3.

**Section 4. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect fifteen (15) days after passage and publication of an approved summary thereof consisting of the title, but in no case prior to January 1, 2005.

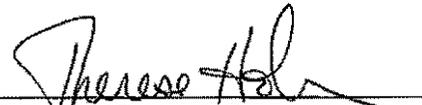
**PASSED** by the City Council this 13th day of December, 2004.

  
COUNCIL PRESIDENT

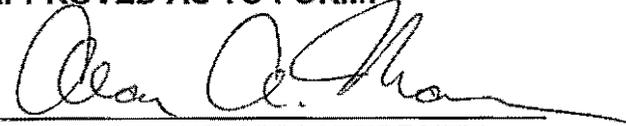
**APPROVED** by me this 4th day of Jan., <sup>2005</sup>~~2004~~.

  
MAYOR

**ATTEST:**

  
FINANCE DIRECTOR

**APPROVED AS TO FORM:**

  
OFFICE OF THE CITY ATTORNEY

Published: December 17, 2004

**SUMMARY OF ORDINANCE NO. 2004-12-087**  
of the City of Bellingham, Washington

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On December 13<sup>th</sup>, 2004, the City Council of the City of Bellingham, Washington, approved Ordinance No. 2004-, the main point of which may be summarized by its title as follows: 12-087

**AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM COMPREHENSIVE PLAN AND BMC TITLE 20, LAND USE DEVELOPMENT ORDINANCE, TO ESTABLISH A NEW LAND USE REGULATORY SYSTEM BY MOVING THE ZONING DESIGNATIONS AND OTHER DEVELOPMENT REGULATIONS FROM THE NEIGHBORHOOD PLANS TO THE LAND USE ORDINANCE.**

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 13, 2004.

  
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DEPUTY CITY CLERK *Representative*

**LAND USE REGULATORY SYSTEM CHANGE**  
**PLANNING COMMISSION RECOMMENDED CHANGES TO THE**  
**LAND USE ELEMENT OF THE COMPREHENSIVE PLAN\***

**November 8, 2004**

\*This document replaces pages 1-2 to 1-7 of the October 21, 2004 neighborhood plan amendments packet.

## BELLINGHAM COMPREHENSIVE PLAN LAND USE ELEMENT

*NOTE: This document contains proposed changes to the Land Use Element of the Comprehensive Plan that explain and provide support for a new land use regulatory system.*

*This text explains the nature of the City's current regulatory system.*

*Text explains the problems with the City's current land use regulatory system.*

### **Comprehensive Plan Overview**

This plan contains eight sections: the Neighborhood Plans, the Housing, Land Use, Community Design, Transportation, Capital Facilities, Utilities, Open Space, Parks and Recreation elements. The neighborhood (subarea) plans define each of the city's 23 diverse neighborhoods. Each plan describes the neighborhood's character and identifies the general land use designations in each area of the neighborhood.

### **The Land Use Regulatory System**

From 1980 to 2004, the city's land use regulatory system included 23 neighborhood plans that contained a complex mix of policies, zoning designations, and development regulations. Adding to the complexity of the system were other documents, including the Land Use Development Ordinance, Subdivision Ordinance, Shoreline Master Program, State Environmental Policy Act, and Multi-family Design Guidelines.

Further complicating matters was the fact that this regulatory system was established prior to:

- State adoption of the Growth Management Act in 1990;
- State adoption of "regulatory reform" and consolidated permit review provisions in 1995;
- City adoption of Bellingham's 1995 Comprehensive Plan;
- City/County adoption of the Countywide Planning Policies in 1997;
- City/County adoption of the Urban Fringe Plan in 1997.

As a result, the system was becoming increasingly difficult to use, administer and keep up to date. All changes to the neighborhood plans (even minor amendments) required a comprehensive plan amendment. Also, parts of the system were inconsistent with state laws requiring a clear distinction between plans and the regulations that are intended to implement the plans.

*This text updates the plan with respect to the proposed system changes....*

*Guiding "principles" for the new land use regulatory system.*

*Text added to explain the changes that are recommended to set up the proposed system.*

*Text added to explain the role of the neighborhood plans in the new regulatory system.*

### **The New Land Use Regulatory System**

In 2004, the city began making fundamental changes to the land use regulatory system. This multi-year process to improve the city's regulatory system is guided by a number of principles:

1. Encourage and facilitate development that is consistent with the goals and policies in this plan.
2. Promote development that maintains and enhances the unique character of Bellingham neighborhoods.
3. Encourage citizen involvement in land use planning and project review.
4. Assure fair and predictable results and avoid unnecessary delays.
5. Organize, consolidate and simplify development regulations and permitting procedures.
6. Develop a system that is easier and more cost effective to administer.
7. Develop a system that is financed primarily through user fees.
8. Accommodate the use of a number of regulatory tools and processes such as design review, PUDs, site plan review, and transfer of development rights.
9. Ensure consistency with state growth management and other relevant laws.

Several important changes were needed to set up the new system, including:

- Move the zoning designations, use qualifiers, density provisions and other development regulations from the neighborhood plans to the Land Use and Development Code (formerly the Land Use Development Ordinance).
- Create separate comprehensive plan and zoning maps.
- Create development regulations that would result in less use the "planned" use qualifier and develop a new site plan review process to replace the planned contract process.

### **System Change #1: Revising the Neighborhood Plans**

In 2004 the land use section of each of the neighborhood plans, (including the zoning designations and map, use Qualifiers, density provisions, special conditions, prerequisite considerations and other development regulations) was moved to an appendix of the Land Use and Development Code. This document will eventually contain all the city's land use and development regulations.

*Planning Commission recommended text approved by Council on November 8.*

Bellingham's neighborhood plans are critically important to achieving the vision and goals of the comprehensive plan.

The plans are powerful tools that define the character or "vision" of the neighborhood. The neighborhood plans will continue to be used to:

*Text added to explain the role of the neighborhood plans in the new regulatory system.*

- Guide the development of regulations and other tools to implement the goals and policies of the comprehensive plan and the neighborhood plans;
- Inform the development of the city-wide capital facility plan and funding;
- Review and evaluate rezone and neighborhood plan amendment requests;
- Guide decisions on discretionary permits such as planned developments, subdivisions and conditional uses in the absence of specific development regulations;

*Text added to explain how the land use designations in the comprehensive plan are implemented by the zoning designations and other modifiers in the Land Use and Development Code.*

**The Role of the Land Use and Development Code in the New System** - The 2004 land use regulatory system changes moved the zoning designations and development regulations from the neighborhood plans to the Land Use and Development Code (formerly the Land Use Development Ordinance).

The zoning designations in the Land Use and Development Code contain a number of modifiers that are used to make the zoning more specific than the general land use designations in the neighborhood plans. These include use qualifiers, density provisions, special conditions, prerequisites and special regulations. For example, a "commercial" land use designation in the neighborhood plan may correspond to a "neighborhood commercial", "central commercial" or "auto commercial" zoning designation. Each zoning district has a different set of permitted uses. See BMC 20.20.000 for further explanation of the land use regulatory system.

To carry out the guiding principles for a new land use regulatory system, it is anticipated that there may be future changes to the basic structure of the system. This may include new or amended zoning districts, a different method of organizing regulations within the code, combining separate development regulation codes into one unified code, and other changes.

## **System Change #2 – Creating Separate Zoning and Comprehensive Plan Maps**

*Text explains difference between the neighborhood plan land use maps and the zoning map in the Land Use and Development Code.*

Also in 2004, new “land use” maps were created for the neighborhood plans. These maps contain the seven designations listed below. No changes to “on the ground” zoning were made in this process. In the new system, the term “land use designation” will refer to one of the seven basic designations in the neighborhood plans.

As part of this process, a new zoning map was created for Appendix 20-A in the Land Use and Development Code. This map is made up of the maps that were in the 23 neighborhood plans. The general use types, use qualifiers and density provisions in the Land Use and Development Code make up the “zoning” for properties in the new system.

## **System Change #3 – Reducing Reliance on the “Planned” Use Qualifier**

No action on this recommended change was completed in 2004. Work will continue in 2005. It is anticipated that new zoning districts and review procedures will be developed to replace the “Planned” zones and contract requirements.

## **Neighborhood Plan Land Use Designations in the New System**

*Planning Commission recommended text approved by Council on November 8.*

There are now six general land use categories (designations) in the neighborhood plans. The comprehensive plan recognizes that allowing or encouraging a mix of different types of land uses is an important strategy to achieving infill goals while maintaining and developing distinctive and efficient urban neighborhoods.

*New definitions explain the neighborhood plan “land use designations” under the new system.*

- **Single-Family Residential** – This designation should be applied to areas of the community predominately developed with or best suited for development of individually owned dwelling units. A range of densities should be allowed. The housing may take a number of forms, including detached, attached, townhouses, “cottage” housing, accessory dwelling units, clustered housing, etc.
- **Multi-Family Residential** – This designation should be applied to areas with higher concentrations of people within the city while encouraging a desirable living environment for the people living within and adjacent to this district. It is also intended to provide for a

compatible mixture of residential and office uses in appropriate areas, as well as a mixture of types of residential uses.

- **Commercial** – This designation should provide a concentration of a broad range of services, commercial uses and personal service establishments. Flexible development standards should be used to insure design compatibility with the site and with the surrounding area.
- **Industrial** – This category provides for a range of potential uses from "light" industrial uses like research and development to water related industrial uses to "heavy" industrial uses such as intensive warehousing, manufacturing, fabrication, assembly and distribution of goods.
- **Institutional** – This designation is appropriate for areas containing public or quasi-public institutional uses requiring large land area.
- **Public** – This designation is applied to major parcels of land which are owned or leased by public agencies such as city and state governments and the Bellingham School District.

*New definitions explain the neighborhood plan "land use designations" under the new system.*

### **New Land Use Element Policies**

*These new policies explain the low, medium and high density land use designations in the neighborhood plans.*

LUP- \_High density residential land use designations should be applied to areas with densities higher than 3,600 sq. ft. of land area per dwelling unit.

LUP- \_Medium density residential land use designations should be applied to areas with densities of 3,600 sq. ft. of land area per dwelling unit to 7,200 sq. ft. per dwelling unit.

LUP- \_Low density residential land use designations should be applied to areas with densities of less than 7,200 sq. ft. of land area per dwelling unit.

The density designations are summarized below:

0 to 3,599 sq.ft./dwelling unit = high density  
3,600 to 7,200 sq.ft./dwelling unit = medium density  
7,201 + sq.ft./dwelling unit = low density

## **Comprehensive Plan Updates and Amendments**

*Text explains how the plan will be updated and amended. The Bellingham Municipal Code explains in detail the process to amend the comprehensive plan, the neighborhood plans and the Land Use Code.*

This Comprehensive Plan shall be updated periodically in accordance with the state Growth Management Act (GMA).

Amendments to this plan and the neighborhood plans shall be processed annually in accordance with the Growth Management Act and BMC 20.20.000.

## **Newly Annexed Areas**

*This policy is consistent with past practice and the interlocal agreement between the city and county.*

Unless changed by the City Council, land annexed to the city shall be given a comprehensive plan/neighborhood plan land use designation that most closely matches the comprehensive plan designation in Whatcom County's subarea plan for the annexed property.

## B. Cornwall Park Neighborhood Table of Zoning Regulations Cont.

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
3 cont.						<p>Prior to development of any property in Area C, the property owners shall perform the following prerequisite conditions:</p> <ol style="list-style-type: none"> <li>1) a 60-foot wide right-of-way for Orchard Place, between Orchard Drive and Baker Street, shall be dedicated to the City of Bellingham, consistent with the previously determined alignment (that alignment specified above as a prerequisite condition for development in Area B) and</li> <li>2) improve Orchard Place between Orchard Drive and Baker Street. Property owners within Area C shall provide and record an agreement, acceptable to the City Attorney, that will provide for of the future construction of the full standard street improvement of Orchard Place.</li> </ol>
4	Residential Multi/ Institutional	Planned, mixed. Institutional, medical offices shall be addressed through amendment of the Institutional Master Plan.	1,500 sq.ft. per unit with minimum 45% open space required to provide a potential to reduce adverse effects on the floodway, wetlands and fish and wildlife habitat.	Shoreline; flood; <u>traffic/circulation; access</u>	Maintain floodway and open space corridor. No access from Birchwood Avenue.	
5	Public	Open Space/ Utilities	N/A	Shoreline; flood; buffer industrial and institutional uses, freeway	None	None
6	Public	Park/Open Space/School	N/A	Shoreline; historic; flood	None	None

## B. Edgemoor Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	Residential Single	Detached	15,000 sq.ft. min. detached lot size	View	None	None
2	Residential Single	Detached	7,200 sq.ft. min. detached lot size	View	None	None
3	Public	School/Recreation	N/A	None	None	None
4	Residential Single	Detached	20,000 sq.ft. min. detached lot size	View; historic; marine access where feasible	None	None
5	Residential Single	Detached	10,000 sq.ft. min. detached lot size	None	None	None
6	Residential Single	Detached	15,000 sq.ft. min. detached lot size	Clearing; view; water distribution design	None	None
7	Residential Single	Detached	20,000 sq.ft. min. detached lot size or one lot per 20,000 sq.ft. average overall density	Clearing; view buffering from adjacent residential	Improvement to Fieldston and Willow roads as neighborhood collectors	None
8	Residential Single	Cluster, <u>detached required</u> <del>attached required</del>	8,400 sq.ft. min. <del>attached</del> <u>detached</u>	View; preservation of mature growth timber; <u>open space</u> ; <u>cluster subdivision required</u> ; <u>protection of herons</u> .	<u>Review of cluster subdivision</u> to address special conditions and <u>potential trail linkages</u> .	None

Note: The shaded portions of the table make up the "zoning" for the areas. Changes to area boundaries, general use type, use qualifier or density will be considered through the rezone procedure in BMC 21.10. Changes to other sections of the table will be considered through the development regulations amendment procedure in BMC 21.10.

## B. Fairhaven Neighborhood Table of Zoning Regulations Cont.

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1B cont.						<p><u>Railroad crossing</u> Vehicular access into the area must cross over existing railroad tracks. Each crossing must be looked at and possibly controlled to ensure safe crossing.</p> <p><u>Pedestrian access</u> Provisions for pedestrians must be made both within the site (along shoreline areas integrated with Marine Park and the Commercial areas) and along Harris Avenue to the Fairhaven business district.</p> <p><u>View</u> Any potential interference with upland residential views from large-scale development should be evaluated.</p> <p><u>Other</u> Internal access, hydrant dispersal, sewer location and capacity all need to be examined with each project.</p>
2A	Commercial	Neighborhood, mixed uses (see Special Regulations)	No density restriction for retail or office buildings	Design review; view; height; parking; prohibition of vehicle drive-through facilities; <u>Covenant facilities NW of Mill and 10th</u>	None	<p>1. Mixed uses specifically permitted in this area shall include and be limited to apartments, hotels and non-commercial parking lots constructed to meet the overall parking demands of the commercial area according to a parking plan approved by the City Council.</p> <p><u>2. Warehousing when adjacent to Port of Bellingham properties. Access shall be from the west and the Port-owned properties. In no case shall warehouse traffic be allowed directly on the streets abutting commercial development.</u></p> <p>Special development restrictions and options:</p> <p>1. No use shall be permitted to have facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles.</p> <p>2. The standard thirty-five foot (35') height restriction may be increased to fifty-four feet (54') upon specific approval by the City Council. In order to approve an increase in building height, the Council must find that the following criteria are met:</p>

## B. Puget Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
15	Residential Multi	Planned	N/A	Vegetated buffers should be established and maintained surrounding the area.	None	None
16	Residential Single	Detached	8,500 sq. ft. minimum detached lot size.	Maintain vegetated buffer along Moore Street right-of-way, install traffic calming devices with improvements of Nevada Street.	None	None
17	Residential Multi	Planned	5,000 sq. ft. per unit overall density.	Clearing, view.	None	None
18	Commercial	Auto	10,000 sq. ft. maximum retail building size.	Freeway buffer, keep Lincoln Creek open and improve the stream environment as redevelopment occurs.	Samish Way interchange review.	None
19	Residential Multi	Planned	4,000 sq. ft. per mobile home lot; 2,500 sq. ft. per unit; 2,250 sq. ft. per unit if 30% open space is provided and roof lines are articulated.	Storm water management, review of access on Lincoln Street.	None	None
20	Commercial	Planned, Apartments allowed on separate lots.	None	Keep Lincoln Creek open and improve the stream environment as redevelopment occurs. Safely buffer Maple/ Ashley Street. Minimize impacts on adjacent residences. Enhance Lincoln Creek.	Samish Way interchange review.	See neighborhood plan.
21	Commercial	Auto, Mixed – mini storage allowed*	10,000 sq.ft. maximum retail building size.	<u>Evergreen freeway buffer; joint driveways; orient lighting</u>	None	<u>Mini storage development standards:</u> <u>1. A dense buffer of evergreen trees shall be installed between any development and I-5.</u> <u>2. Joint driveway access and signage required.</u> <u>3. Lighting shall be oriented down toward the sire and away from surrounding residences.</u>

## B. Birchwood Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	Residential Single	Detached, mixed	20,000 sq.ft. minimum detached lot size	None	None	The mixed designation under Use Qualifier is intended to allow agriculture and the raising of farm animals, provided that they are not a commercial endeavor. The latter must have the approval of the Bellingham/ Whatcom County Health Department.
2	Residential Single	Detached	7,200 sq.ft. minimum detached lot size	Buffer Interstate 5	None	None
3	Residential Multi	Multiple	1,500 sq.ft. per unit	Preserve Alderwood right-of-way	None	None
4	This	Area	Has	Been	Deleted	
5	Residential Multi	Planned	None specified	Access	None	None
6	Commercial	Neighborhood	7,500 sq.ft. maximum building size	None	W. Maplewood improvements	None
7	Residential Multi	Planned (Resolutions 21-84, 43-84, 40-85, 45-85, 51-85)	2,500 sq.ft. per unit 1,500 sq.ft. if 2 or more lots of record are consolidated	Access; buffer all single family structures	Improvement of W. Maplewood arterial to recommended standards should occur prior to additional apartment development.	None
7A	Residential Multi	Planned	2,500 sq.ft. per unit 1,500 sq.ft. if 2 or more lots of record are consolidated	Access; buffer all single family areas with fencing and landscaping; residential multi interior side setbacks	Improvement of W. Maplewood arterial to recommended standards should occur prior to additional apartment development. The adequacy of the reclamation of the coal mine site as it relates to public safety should be proven before any development is allowed.	Building and parking areas shall use Residential Multi setback requirements.  Wooden fences 6-feet high along the rear property line shall be required during site plan review.

## B. Happy Valley Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1A	Residential Multi	Multiple (administered through the planned contract process)	Lots of 10,000 sq.ft. or greater – 1,000 sq.ft. per unit. Lots of less than 10,000 but at least 4,000 sq.ft. – 2,000 sq.ft. per dwelling unit, limited to 1.2 bedrooms per 1,000 sq.ft.	Happy Valley Neighborhood Plan Section-VI-Design Criteria <u>NC and Mixed-Use Design Criteria</u> ; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; density transfers within Area 1A and from 1A to Area 3; clearing; drainage	Sanitary sewers; street and sidewalk improvements.	<u>See Attachment 1 - Neighborhood Commercial and Mixed-Use Design Criteria.</u>  See Attachment 2 - Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.
1B	Commercial	Neighborhood (administered through the planned contract process) limited commercial uses*	Maximum 2,000 sq.ft. of floor area per commercial use except for eating/ Drinking establishments. Minimum ratio of 0.8 sq.ft. of residential floor space to 1 sq.ft. of commercial floor space for mixed-use developments. Ground floor uses that front on Douglas Ave. are limited to commercial uses listed below when part of a mixed-use development. Residential density is same as Area 1A when not part of a mixed-use development.	Happy Valley Neighborhood Plan Section-VII-Design Criteria- <u>NC and Mixed-Use Design Criteria</u> for mixed-use development; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; residential use requirement when not part of a mixed-use development; use Area 1A standards for residential uses when not part of a mixed-use development; clearing; drainage.	Sanitary sewers; street and sidewalk improvements.	<u>See Attachment 1 - Neighborhood Commercial and Mixed-Use Design Criteria.</u>  *Permitted uses are limited to: (1) RETAIL ESTABLISHMENTS of all types except those selling the following products: (see also numbers 11-14, below) (a) Automobiles and trucks (b) Heavy farm and construction equipment (c) Feed, grain and farm supplies (d) House trailers, mobile homes and boats (2) PERSONAL SERVICE FACILITIES such as: (a) Barber and beauty shops (b) Computer data services and copy centers (3) LAUNDRY AND DRY CLEANING ESTABLISHMENTS

Continued on next page

## B. Happy Valley Neighborhood Table of Zoning Regulations Cont.

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1C	Residential Multi	Multiple (administered Through the planned contract process)	Lots of 10,000 sq.ft. or greater – 1,000 sq.ft. per unit. Lots of less than 10,000 but at least 4,000 sq.ft. – 2,000 sq.ft. per dwelling unit, limited to 1.2 bedrooms per 1,000 sq.ft.	Happy-Valley Neighborhood Plan Section-VII-Design Criteria- <u>NC and Mixed-Use Design Criteria</u> ; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; density transfers within Area 1A and from 1A to Area 3; clearing; drainage	Sanitary sewers; street and sidewalk improvements.	See Attachment 1 - <u>Neighborhood Commercial and Mixed-Use Design Criteria.</u>  See Attachment 2 - Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.
2A	Public	School/Open Space	N/A	Clearing; drainage	None	None
2B	Public/ Institutional	As specified in the WWU Institutional Master Plan	N/A	As specified in the WWU Institutional Master Plan	As specified in the WWU Institutional Master Plan	None
3	Residential Multi	Multiple (administered Through the planned contract process) until city-wide design guidelines are adopted.)	1,000 sq.ft per unit; 10,000 sq.ft. min. lot size for multiple development.	Happy-Valley Neighborhood Plan Section-VII-Design Criteria- <u>NC and Mixed-Use Design Criteria</u> ; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; density transfers from 1A to Area 3; scaled transition to single family residential zones; clearing; drainage; freeway buffer	Sanitary sewers; street and sidewalk improvements.	See Attachment 1 - <u>Neighborhood Commercial and Mixed-Use Design Criteria.</u>  See Attachment 2 - Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.

Shaded portions of the table make up the “zoning” in the neighborhood plan areas.

## C. Happy Valley Neighborhood Table of Zoning Regulations Cont.

Area	ATTACHMENT 1 Neighborhood Commercial and Mixed Use Design Criteria
1A 1B 1C 3 14	<p>1. <u>Use Criteria</u></p> <p>a. <u>Buildings and public spaces should be located immediately adjacent to the public sidewalk. Underlying required yards may be reduced to accomplish this.</u></p> <p>b. <u>Commercial uses shall be limited to the street level or a designated pedestrian corridor.</u></p> <p>c. <u>The maximum street frontage for any one commercial use is sixty feet (60'). For street corner uses, only one street frontage may exceed fifty feet (50').</u></p> <p>d. <u>Residential uses shall be provided in conjunction with commercial uses at a minimum ratio of 0.8 square feet of residential floor space to 1 square foot of commercial floor space.</u></p> <p>e. <u>Required Type A accessible dwelling units may be located at ground level to satisfy Americans With Disabilities Act requirements.</u></p> <p>f. <u>Commercial development of the site shall be pedestrian in scale with windows and entries adjacent to the street or pedestrian corridor.</u></p> <p>g. <u>Drive-through establishments are prohibited.</u></p> <p>h. <u>A restaurant may include licensed provision of alcohol beverages for consumption on the premises when accessory to such food service.</u></p> <p>i. <u>Further limitations on uses are addressed within the applicable subarea descriptions.</u></p> <p>2. <u>Parking and access</u></p> <p>a. <u>In order to encourage transit related and affordable housing in mixed-use (commercial-residential) developments, shared parking may be approved if required parking for the greater of either all residential or all commercial uses is met.</u></p> <p>b. <u>Improved on street parking adjacent to the property may be counted toward on-site parking requirements provided all required parking for residential uses is improved on site.</u></p> <p>c. <u>Parking should not be required for public open space such as a plaza or outdoor seating for a cafe.</u></p> <p>d. <u>Open parking spaces that use an alley for maneuvering shall be exempt from any required yard along the alley property line.</u></p> <p>3. <u>Signage and Lighting</u></p> <p>a. <u>Signage facing residential areas is limited to sixteen (16) square feet per use frontage, which may be indirectly lighted during business hours.</u></p> <p>b. <u>Signage should be oriented toward pedestrians, not automobiles.</u></p> <p>c. <u>Free-standing pole signs are prohibited.</u></p> <p>d. <u>Moving, blinking, changeable type, and internally illuminated signs are prohibited.</u></p> <p>e. <u>Lighting should be minimized. It should be placed for safety reasons. Private lighting should not shine directly onto adjacent property.</u></p>

**B. Happy Valley Neighborhood Table of Zoning Regulations Cont.**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
4	Commercial	Planned*	N/A	Area 4 Design Criteria	None	<p><b>*Prohibited Uses:</b> RETAIL ESTABLISHMENTS selling the following products:</p> <p>(a) Automobiles and trucks                      (b) Heavy farm &amp; construction equipment                      (c) Feed, grain, and farm supplies                      (d) House trailers, mobile homes, &amp; boats</p> <p>See Attachment 3 - Area 4 design criteria</p>
5	Residential Single	Detached, Cluster Attached (use attached single family duplex regulations for cluster attached projects – standard cluster plat regulations shall apply.	<p>Single family detached – 5,000 sq.ft. min. detached lot size.</p> <p>Cluster attached – 3,750 sq.ft. min. per unit attached lot size, maximum of 2 units attached for cluster development, one bedroom max. per 1,000 sq.ft. of land.</p>	Drainage; floodplain; stream setbacks; clearing	None	<p><u>- Existing duplexes legally established prior to adoption of the neighborhood plan in 2001 are permitted.</u></p> <p><u>- For cluster attached development, a maximum of 2 units may be attached. Single family attached duplex standards shall be used when developing a cluster attached housing project. Standard cluster development regulations shall not apply.</u></p> <p><u>- the minimum lot size in the area may be reduced to 4,000 sq.ft. per dwelling unit for the blocks bound by Donovan Ave., Happy Ct., 24<sup>th</sup> St. and the alley east of 22<sup>nd</sup> St.</u></p>
6	Public	School, public recreation	N/A	None	None	None

Shaded portions of the table make up the “zoning” in the neighborhood plan areas.

**B. Happy Valley Neighborhood Table of Zoning Regulations Cont.**

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
7	Residential Single	Detached, Cluster Attached	15,000 sq.ft. min. detached lot size; 5,000 sq.ft. min. cluster lot size	Floodplain, stream setbacks; clearing; buffer along Connelly Creek wildlife habitat corridor, I-5 and boundary of Area 3	Sanitary sewer	<u>The WWU compost facility on the north side of Douglas Ave. (Lot 1, Rehder Short Plat may continue to operate as a permitted use as long as the use complies with the following criteria:</u> <ol style="list-style-type: none"> <li><u>1) the site continues to be screened from adjacent residentially zoned properties;</u></li> <li><u>2) no mechanical chipping, shredding, or other noise generating uses occur on the site;</u></li> <li><u>3) the use is not expanded further into Area 7; and</u></li> <li><u>4) no other WWU uses, other than those allowed by the underlying zoning, are allowed on this property.</u></li> </ol>
8	Public	School	N/A	None	None	None
9	Residential Single	Detached, cluster attached	7,500 sq.ft. min. detached lot size; 1 lot/7,500 sq.ft. average overall cluster density; 5,000 sq.ft. min. cluster lot size	Shoreline; floodplain; stream setbacks; clearing; buffer along Padden and Connelly Creeks and I-5	Sanitary sewer for subdivision	

Shaded portions of the table make up the "zoning" in the neighborhood plan areas.

## B. Happy Valley Neighborhood Table of Zoning Regulations Cont.

Area	ATTACHMENT 3 Area 4 Design Criteria
<p>4A, 4B, 4C, 2B, 3</p> <p><b>4</b></p>	<p><b><u>32nd Street</u></b> Vacant property remains on the east side of the 32<sup>nd</sup> Street connector. New development with residential facing elevations in this area should be visually similar to adjacent residential uses to provide a complimentary transition between the high-density residential zone to the west and Sehome Village to the east.</p> <p>To reinforce the transition between the use zones, structures and sites should be designed to incorporate the following criteria:</p> <ol style="list-style-type: none"> <li>1. Design pedestrian friendly street facades.</li> <li>2. Provide architectural details, materials, or features that emphasize human scale, and compatibility with adjacent residential uses</li> <li>3. Orient buildings, signage, and uses toward pedestrians and not automobiles.</li> <li>4. Discourage blank walls facing residential zones.</li> <li>5. Front buildings and building entrances up to streets. Underlying required yards may be reduced to accomplish this.</li> <li>6. Locate parking to the side, rear, or beneath a building.</li> <li>7. Break up parking areas with more landscaping and include larger landscape trees.<sup>1</sup></li> <li>8. Provide mixed-uses that include residences.</li> <li>9. Prohibit pole signs on properties adjacent to 32<sup>nd</sup> Street, except for gas stations.</li> </ol> <p><b><u>Sehome Village</u></b> Most customer entrances to Sehome Village are located on the east side of the shopping center. A pedestrian corridor should be opened in the middle of the shopping center to encourage pedestrian access from residential areas to the west and provide a more convenient alternative to using the automobile. Pedestrian passages through stores to the south should be maintained. If Sehome Village is redeveloped, the following design criteria are recommended:</p> <ul style="list-style-type: none"> <li>- Any new design should break up the existing mass of parking in the center and east of the mall.</li> <li>- More landscaping that includes larger trees (including evergreens) and understory plants should be interspersed through large parking areas.</li> <li>- Encourage more pedestrian access and interest with a design including more storefront entrances on Fielding Avenue. A maximum of one drive lane parallel to the street with parking on either side should be placed next to Fielding.</li> <li>- Loading areas for smaller storefronts should be accessed from the parking lot to allow for greater pedestrian access from the south and west. Larger establishments' loading areas should be placed outside of pedestrian ways and screened.</li> <li>- Transit services should be integrated on-site into the mall redevelopment and provide covered access to businesses.</li> <li>- Opportunities for outdoor seating should be made by building modulation and by moving a portion of the mall buildings toward the center of the site.</li> <li>- Upper floor residential uses are encouraged above commercial spaces. No additional parking requirements should be placed on upper floor residential.</li> <li>- Lighting should be minimized. It should be placed for safety reasons. Private lighting should not shine directly onto adjacent property.</li> </ul> <p>Continued on next page</p>

<sup>1</sup> CDP-36

## B. Happy Valley Neighborhood Table of Zoning Regulations Cont.

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
12	Residential Single	Detached	5,000 sq.ft. min. detached lot size	Drainage; views; narrative in neighborhood plan	None	None
13	Public	Governmental Services	N/A	None	None	None
14	Commercial	Neighborhood, administered through the planned contract process; limited permitted uses*	Max. 2,000 square feet of floor area per use except for eating establishments. Max of 50% of the gross commercial floor area may be used for offices as a primary use. Min. ratio of 0.8 sq.ft. of residential floor space to 1 sq.ft. of commercial floor space.	Happy Valley Neighborhood Plan Section VII Design Criteria- <u>NC and Mixed-Use Design Criteria</u> ; max. 25-foot height limit above Harris Ave. centerline; limited vehicular access; street improvements	None	<p><u>See Attachment 1 -- neighborhood Commercial and Mixed-Use Design Criteria.</u></p> <p>*Permitted uses are limited to the following:</p> <ol style="list-style-type: none"> <li>(1) RETAIL ESTABLISHMENTS of all types except those selling the following products: (see also numbers 12-13 below)               <ol style="list-style-type: none"> <li>(a) Automobiles and trucks</li> <li>(b) Heavy farm and construction equipment</li> <li>(c) Feed, grain and farm supplies</li> <li>(d) House trailers, mobile homes and boats</li> </ol> </li> <li>(2) PERSONAL SERVICE FACILITIES such as:               <ol style="list-style-type: none"> <li>(a) Barber and beauty shops</li> <li>(b) Tailor shops</li> <li>(c) Repair shops for small items</li> </ol> </li> <li>(3) BUSINESS AND PROFESSIONAL OFFICES limited to 50% of the gross commercial floor area in this zone.</li> <li>(4) LAUNDRY AND DRY CLEANING ESTABLISHMENTS</li> <li>(5) FLORIST SHOPS</li> <li>(6) PUBLICLY OWNED PARKS AND PLAY GROUNDS</li> </ol> <p>Continued on next page</p>

Shaded portions of the table make up the "zoning" in the neighborhood plan areas.

Table and text updated 10/20/04

*Replaces page 1-282*

## **ATTACHMENT 2**

### **Amendments to Bellingham's 23 Neighborhood Plans\***

\*This packet was provided to Council under separate cover because of its size. A copy is on file in the Council Office and also available for review in the Planning Department and on the city's web site.

#### **NOTE TO FILE:**

The contents of this attachment are not scanned or microfilmed (because of its' size). However, there is a full copy of both Attachment 2 and Attachment 3 filed with the ordinance in Archives.

## **ATTACHMENT 3**

### **Amendments to BMC Title 20, creating a new Appendix 20-A with zoning and development Regulations tables for the 23 neighborhoods\***

\*This attachment was provided to Council under separate cover because of its size. A copy is on file in the Council Office and also available for review in the Planning Department and on the city's web site.

### **NOTE TO FILE:**

The contents of this attachment are not scanned or microfilmed (because of its' size). However, there is a full copy of both Attachment 2 and Attachment 3 filed with the ordinance in Archives.

**LAND USE REGULATORY SYSTEM CHANGE  
UPDATED PLANNING COMMISSION FINDINGS\***

**Council Packet, November 8, 2004**

\*Note: Initial Planning Commission Findings of Fact and Conclusions, staff report, "Frequently Asked Questions" and the PGE Report and Recommendations documents were all previously provided to the City Council in the September 13, 2004 Council Packet.

Public comments from earlier meetings were also provided to Council in the 9/13/04 packet. This document contains the updated Planning Commission Findings and only the meeting minutes and public comments from the most recent (October 21) Planning Commission meeting.

Contact staff or the City Council Office to get copies of these documents.

**CITY OF BELLINGHAM  
PLANNING COMMISSION  
FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS  
August 5, 2004 and October 21, 2004**

**Re: CHANGES TO THE CITY'S NEIGHBORHOOD PLAN LAND USE REGULATORY SYSTEM**

**OVERVIEW**

**SUMMARY**

The proposal includes 1) amending the 23 neighborhood plans and the Land Use Development Ordinance to consolidate all zoning and development regulations in the Land Use Ordinance, and 2) amending the Land Use Element of the comprehensive plan to explain and support the changes to the regulatory system.

**MAJOR ISSUES**

The proposal would fundamentally change the city's neighborhood plan land use regulatory system.

**STAFF RECOMMENDATION**

Approve the proposed changes.

**PLANNING COMMISSION  
RECOMMENDATION**

Approve the proposed changes (6-0).

**I. Background**

For the past 25 years, the city has used a combination of comprehensive plan, neighborhoods plans, land use, subdivision, shoreline, SEPA and other codes to regulate the use of land. This system was established in the late 1970s when the community was 14,500 acres in size, contained about 46,000 residents, was growing by about 700 people per year, and was issuing permits for an average of 300 new dwelling units per year. It is a unique system; there is not another one exactly like it in the State of Washington.

Our regulatory system was adopted prior to State adoption of the Growth Management Act (GMA) in 1990; prior to State adoption of "regulatory reform" provisions in 1995; prior to Bellingham's 1995 Comprehensive Plan, prior to adoption of the Whatcom Countywide Planning Policies in 1997; and prior to city/county adoption of the Urban Fringe Plan in 1997. In many cases, our current system is inconsistent with these state and local planning documents.

### **Bellingham has Changed -**

Since the current regulatory system was put in place:

- The city planning area has nearly doubled, to over 24,000 acres.\*
- The population has nearly doubled, to over 80,000 residents.\*
- Annual population growth has more than doubled, to about 1,800 people per year.\*
- Permit activity has tripled – permits for over 1,000 new dwelling units were issued last year.

\* includes the Bellingham Urban Growth Areas.

In addition to the increase in activity reflected in these numbers, our land use regulatory system has grown over the years as neighborhood plans have been updated and new layers of regulation (such as wetlands and multi-family design standards) have been added. As a result, the system is very labor intensive to administer – over 70% of the Planning Division staff resources are devoted entirely to processing various land use permits. As a result, there are insufficient resources to devote to critical long range planning activities like updating the comprehensive plan and the neighborhood plans in a timely manner. Based on the expected population growth, the department will need six new full time positions over the next 20 years just to maintain the status quo (only 20% to 30% of staff resources devoted to long range/neighborhood planning) and to keep pace with the forecasted growth.

### **Neighborhood Plan Updates Add Complexity -**

One result of the staff intensive nature of our system is that we have fallen behind in updating our development and environmental regulations. Because of the deficiencies in these codes, we wound up putting ever more regulations into many of the neighborhood plans that have been updated since 1996. This is a big reason why the last few plan updates took years to complete. Two examples illustrate this point:

	<u>1980 Version</u>	<u>Updated Version</u>
Mt. Baker N'hood Plan	28 pages	83 pages
Happy Valley N'hood Plan	23 pages	62 pages

Assuming we keep the current system and can find a way to update one neighborhood plan a year, the final plan on the list (Alabama Hill) will be completed in 2015, when that plan will be 35 years old! This is not acceptable.

### **Mixing Policy and Regulation in the Neighborhood Plans -**

The current mix of policy and regulation in the neighborhood plans makes it difficult to coordinate the plans with related regulations in the separate land use and environmental codes. This can lead to confusion as to what is allowed in certain areas. For example:

1. A neighborhood plan calls for a 100-foot setback from a stream and the Shoreline Master Program calls for a 50-foot setback from the same stream,

which regulation applies? The Shoreline regulations and not the neighborhood plan rules would govern in this example.

2. A neighborhood plan says building heights are limited to 25-feet in a certain single family area to protect views. The land use code, however allows buildings in the same single family zone to be 35-feet tall. Which height limit applies? Again it is the regulation allowing 35-foot tall buildings in the land use code that must be followed.

### **City System Inconsistent with State Law -**

Our current land use regulatory system also does not fit well with State laws that require a clear distinction between policies, regulations, and development permits. Neighborhood plans are used in a number of communities. These plans are policy documents that express what the neighborhood wants to become. Bellingham's neighborhood plans are, and will continue to be important planning tools. But as part of the Comprehensive Plan, the neighborhood plans are policy documents and they should not contain regulations.

Likewise, using the zoning map for both current regulation and the comprehensive plan map, as we do now, makes it harder to do future planning. The State's directive to local governments is to establish land use plans and policies through the comprehensive plan and sub-area plans such as neighborhood plans. Then those plans and policies are used to develop regulations to carry out the plan. When these steps are combined and applied to one small area of the city at a time through only a comprehensive plan amendment, we tend to get too many separate and uncoordinated regulations. The system gets very cumbersome, confusing, and staff intensive to administer.

### **The PGE Report -**

Given all the issues raised by our current system, we decided to get an independent review by an experienced land use law firm. Preston, Gates and Ellis was retained in 2003 to do just that. The PGE Report (attached as Exhibit B) concludes that a number of changes are needed to comply with state law, to make the system clearer and more predictable, and to make more efficient use of city staff resources now and into the future:

1. Put all development regulations together in a single code by moving zoning and other regulations from the neighborhood plans to the Land Use Development Ordinance;
2. Develop separate zoning and comprehensive plan maps instead of combining the two as we do now;
3. Separate the neighborhood plans from the city-wide comprehensive plan;
4. Limit use of the "planned" zoning designation – create better development regulations for these zones instead of using development agreements or contracts to set development rules site by site.

### **Staff Review -**

Because we are already updating our comprehensive plan and development regulations, the time is right to thoroughly review the city's land use regulatory system. Staff has done so and we concur with recommendations 1, 2 and 4 in the PGE Report. With respect to PGE recommendation #3, staff has debated this issue at length. We agree that there are advantages to separating the neighborhood plans from the comprehensive plan. But we feel the disadvantages, perceived or real, outweigh any administrative advantages that might be gained. Provided the regulatory aspects of the plans (zoning and development regulations) are moved to the Land Use Ordinance, we do not believe the separation of the plans from the comprehensive plan is warranted.

At this time we are seeking Council approval to proceed with the proposed changes to the neighborhood plans and zoning code to consolidate development regulations in the Land Use Ordinance. If directed to do so, final consideration of the proposed changes will require another round of hearings before the Planning Commission and City Council later this year. Any changes to the neighborhood plans must be adopted with the other comprehensive plan amendments before the end of the year or we must wait another year for the next round of comprehensive plan amendments.

## **II. Documents Considered**

- June 28, 2004 Frequently Asked Questions - Changes to Bellingham's Land Use Regulatory System (attached as Exhibit A) with: 1) amended Samish and South Hill Neighborhood Plans and land use maps; 2) amended Land Use Development Ordinance and zoning maps.
- Recommendations for Revised Development Planning and Regulatory Framework, Preston, Gates, Ellis report, December 2003 (Exhibit B)
- 1995 Bellingham Comprehensive Plan
- October 21, 2004 packet including proposed changes to the land Use Element of the comprehensive plan and proposed changes to the 23 neighborhood plans.

## **III. Public Hearing**

**Testimony** - The Commission heard from approximately 20 speakers at the July 22 public hearing and 2 speakers at the October 21 hearing. The testimony and Commission deliberations are summarized in the minutes from the hearings (see Attachment 1) and from the August 5, 2004 worksession (Attachment 2). Written comments were also submitted and are attached as part of the record. (Attachment 3.)

***Based upon the written record and public hearing, the Planning Commission makes the following:***

## **IV. FINDINGS OF FACT**

### **1. APPLICANT:**

City of Bellingham, Planning and Community Development Department.

### **2. PROPOSAL:**

The proposal includes changes to the City's neighborhood plan land use regulatory system as described below:

Amendments to the Neighborhood Plans and the Land Use Development Ordinance to move Section V, including zoning designations and other development rules, from the 23 neighborhood plans to BMC 20 - Land Use Development Ordinance. The proposed changes would consolidate the zoning and development rules currently in the neighborhood plans with the other zoning regulations in the Land Use Development Ordinance. (See Exhibit A, Frequently Asked Questions - Changes to Bellingham's Land Use Regulatory System, for further explanation.)

**Based upon the above findings, the Commission makes the following:**

## **V. CONCLUSIONS**

1. The City's current land use regulatory system is 25 years old. The city has grown and changed dramatically since the system was established in the 1970s.
2. The current system was established prior to the GMA, regulatory reform, and the Bellingham Comprehensive Plan. In some aspects, the system is inconsistent with the goals, policies and requirements in these documents.
3. The current regulatory system is cumbersome, confusing and inconsistent with the GMA requirement for a clear distinction between plans and regulations.
4. An independent study by an experienced land use law consultant team recommends that the current system be significantly revised to address a number of legal and procedural issues.
5. The amount of staff time and effort required to administer the current system is substantial and will continue to increase. This leaves insufficient resources to address the many comprehensive long-range planning issues facing the community.
6. The proposed changes to the neighborhood plans consolidates zoning and related development regulations in the Land Use Development Ordinance. No changes to any zoning or development regulations occurs as a result of this action. There will be no change in the way neighborhood plans are made or amended.

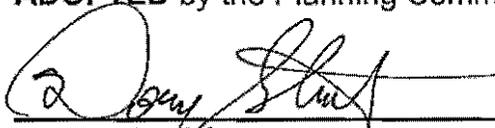
7. The neighborhood plans are, and will continue to be, part of the city's comprehensive plan and therefore important planning tools. The neighborhood plans are policy documents that will continue to be used to guide decisions on discretionary land use permits such as planned contracts and subdivisions. The plans are also used to guide the development of environmental and land use regulations and capital facility plans. But as part of the comprehensive plan, the neighborhood plans are policy documents that should not contain zoning regulations.
8. The Planning Commission will review the proposed changes to the neighborhood plans and the Land Use Development Ordinance prior to final Council adoption.

From the above Conclusions, the Commission comes to the following:

## VI. RECOMMENDATIONS

1. Approve the changes to the city's land use regulatory system by moving the zoning and other development regulations from the neighborhood plans to the Land Use Development Ordinance and by creating separate land use and zoning maps for each neighborhood.
2. Approve the proposed changes to the Land Use Element of the comprehensive plan that explain and support the new land use regulatory system.
3. Retain the neighborhood plans as part of the Bellingham Comprehensive Plan.

ADOPTED by the Planning Commission this 22 day of October, 2004.

  
\_\_\_\_\_  
Chairperson

ATTEST:   
\_\_\_\_\_  
Recording Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney



## BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225  
24-Hour Agenda Information Line (360) 647-6397  
Telephone (360) 676-6970 Fax (360) 738-7418  
Internet / Email: [citycouncil@cob.org](mailto:citycouncil@cob.org)

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the **BELLINGHAM CITY COUNCIL** will hold a public hearing on **November 8, 2004 at 7:00 PM**, or as soon thereafter as possible, in the **CITY COUNCIL CHAMBERS, CITY HALL, 210 Lottie Street, Bellingham, Washington**, for the purpose of the following:

1. **Consideration of amendments** to the City's Comprehensive Plan, the Neighborhood Plans and the Land Use Development Ordinance to establish a new land use regulatory system. The proposed changes include moving the zoning designation and other development regulations from the 23 neighborhood plans to the BMC 20 -- Land Use Ordinance. The new system would consolidate zoning and development regulations in the Land Use Ordinance.
2. **Amendments to the Land Use Development Ordinance, BMC Title 20 and BMC Title 21** necessary to implement the proposed separation of zoning regulations from the neighborhood plans described in Item #1. The amendments would describe the proposed zoning system based on the existing neighborhood plan zoning designations; provide for a rezone process; provide a new process for amending or adopting master plans as separate documents from the neighborhood plans; and update terms used throughout the code to reflect the proposed zoning system changes.

The proposed amendments will be available at the Planning and Community Development Department. The documents will also be posted on the Planning and Community Development Department web site at [www.cob.org/pcd/planning/index.htm](http://www.cob.org/pcd/planning/index.htm).

Address questions and comments for hearing #1 to:

Greg Aucutt, Senior Planner  
Planning and Community Development Department  
210 Lottie Street  
Bellingham, WA 98225 (360) 676-6982 [gaucutt@cob.org](mailto:gaucutt@cob.org)

Address questions and comments for hearing #2 to:

Marilyn Vogel, Senior Planner  
Planning and Community Development Department  
210 Lottie Street  
Bellingham, WA 98225 (360) 676-6982 [mvogel@cob.org](mailto:mvogel@cob.org)

Anyone wishing to comment on this topic is invited to attend; or if unable to attend, to present your comments in writing to the Council Office, 210 Lottie Street, prior to November 3rd, and they will be included in the Council packet.

For our citizens with special needs, the City Council Chambers are fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available in the Council Chambers and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, please contact J. Lynne Walker at 676-6970 at least 3 working days in advance of the meeting. Thank you.

PUBLICATION DATE: **October 24, 2004**

Bob Ryan  
Council Member  
1<sup>st</sup> Ward  
2723 Cedarwood  
671-1776

Gene Knutson  
Council Member  
2<sup>nd</sup> Ward  
3035 Barkley Grove LP  
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John B. Watts  
Council Member  
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1015 W. Toledo  
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Dr. Grant Deger  
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2103 Birch Circle  
671-7444

Terry Bornemann  
Council Member  
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903 Mason  
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Barbara Ryan  
Council Member  
6<sup>th</sup> Ward  
621 Canyon View Road  
671-8376

Louise Bjornson  
Council Member  
At-Large  
2829 Birchwood Avenue  
733-7756

STATE OF WASHINGTON, } SS Affidavit of Publication  
COUNTY OF WHATCOM, }

(L7135) NOTICE OF PUBLIC HEARING  
Notice is hereby given that the BELLINGHAM CITY COUNCIL will hold a public hearing on November 3, 2004 at 7:00 PM, or as soon thereafter as possible, in the CITY COUNCIL CHAMBERS, CITY HALL, 210 Lottie Street, Bellingham, Washington, for the purpose of the following:  
Continuation of the July 22nd Planning Commission hearing for consideration of the proposed changes to the City's procedural codes, development review process and regulations, neighborhood plans, and the comprehensive plan as listed below:  
1. Consideration of amendments to the City's Comprehensive Plan, the Neighborhood Plans and the Land Use Development Ordinance to establish a new land use regulatory system. The proposed changes include moving the zoning designation and other development regulations from the 23 neighborhood plans to the BMC 20 - Land Use Ordinance. The new system would consolidate zoning and development regulations in the Land Use Ordinance.  
2. Amendments to the Land Use Development Ordinance, BMC Title 20 and BMC Title 21 necessary to implement the proposed separation of zoning regulations from the neighborhood plans described in Item #1. The amendments would describe the proposed zoning regulations.  
The Council Office, 210 Lottie Street, prior to November 3rd, and they will be included in the Council packet.  
For our citizens with special needs, the City Council Chambers are fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available in the Council Chambers and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, please contact J. Lynne Walker at 676-6970 at least 3 working days in advance of the meeting.

Kathy Kincaid

being first duly sworn on oath

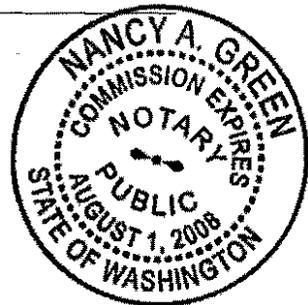
says: That (s)he is the Public Notices Clerk of The Bellingham Herald, a daily newspaper of general circulation in said county and state and of Federated Publications, Inc., a Delaware Corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular entire issue, and not in supplement, of each number of said newspaper published and circulated on the following dates, to wit:

October 24th, 2004

that for more than six months prior to the date of the first publication of said Notice, at all times since, and now, the said "The Bellingham Herald" has been established, published and circulated in the English language continuously and continually as a daily newspaper in the city of Bellingham, Whatcom County, Washington, the same being at all times printed either in whole or in part in an office maintained at said place of publication; that such newspaper has been approved as a legal newspaper by order of the Superior Court of Whatcom County, Washington; that the full amount of the fee charged for such publication \$ 126.25

*[Handwritten Signature]*

Subscribed and sworn to before me this 25th day of October, 2004



*Nancy A. Green*  
NOTARY PUBLIC in and for the State of Washington,  
residing at Bellingham

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