

ORDINANCE NO. 2016-07-020

AN ORDINANCE RELATING TO LAND USE PLANNING, AMENDING THE WESTERN WASHINGTON UNIVERSITY INSTITUTIONAL MASTER PLAN, AN ADDENDUM TO THE WWU NEIGHBORHOOD PLAN.

WHEREAS, the City of Bellingham adopted the Western Washington University ("WWU" or Western") Institutional Master Plan (IMP) by Ordinance No. 2001-09-068, consistent with the requirements of Bellingham Municipal Code (BMC) Chapter 20.40 (Institutional Development), and consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the WWU Neighborhood Plan; and

WHEREAS, the WWU IMP is an addendum to the WWU Neighborhood Plan to guide and direct growth and development of the Western Washington University campus in the City of Bellingham; and

WHEREAS, WWU proposes quasi-judicial amendments to the WWU IMP to enlarge IMP District 18 to allow student housing along South College Drive between the Buchanan Towers residence hall and Fairhaven student housing complex. As part of the proposal, IMP Districts 13, 15 and 17 would be reduced in size and "student activities" would be added as an IMP land use classification in District 18. Other parts of the WWU IMP will be amended as necessary to be consistent with the preceding proposed amendments; and

WHEREAS, BMC 21.10.040(G)(2) allows for quasi-judicial amendments to an IMP when the IMP is "consistent" with the comprehensive plan; and

WHEREAS, on March 14, 2016, WWU held a neighborhood meeting regarding their proposed IMP amendments, for which no one from the public attended; and

WHEREAS, after appropriate public notice, the Bellingham Planning Commission conducted a public hearing to review the proposed IMP amendments on May 19, 2016, and determined that the proposed IMP amendments satisfy the requirements of BMC Chapter 20.40 (Institutional Development), and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the WWU Neighborhood Plan; and

WHEREAS, the Bellingham Planning Commission recommended approval of the proposed IMP amendments by vote of 7-0 and thereafter made Findings of Fact, Conclusions and Recommendations for City Council's consideration; and

WHEREAS, on May 20, 2016, the City as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-significance; and

WHEREAS, after appropriate public notice, the Bellingham City Council held a closed record hearing on June 20, 2016 to consider the Findings of Fact, Conclusions, and

City of Bellingham
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Recommendations, and the record submitted by the Planning Commission, and the testimony received from the public; and

WHEREAS, the City Council finds that the proposed amendments to the WWU IMP satisfy the requirements of BMC Chapter 20.40 (Institutional Development), and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the WWU Neighborhood Plan.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The WWU IMP, Land Use and Open Space Chapter, "Land Use Districts" Map (WWU IMP Page II-15), is amended as shown on **Exhibit A**:

Section 2. The WWU IMP, Land Use and Open Space Chapter, "District 13" (WWU IMP Page II-40 and II-41), is amended as shown on **Exhibit B**:

Section 3. The WWU IMP, Land Use and Open Space Chapter, "District 15" Map (WWU IMP Page II-44), is amended as shown on **Exhibit C**:

Section 4. The WWU IMP, Land Use and Open Space Chapter, "District 16" Map (WWU IMP Page II-46), is amended as shown on **Exhibit C**:

Section 5. The WWU IMP, Land Use and Open Space Chapter, "District 17" Map (WWU IMP Page II-48), is amended as shown on **Exhibit C**:

Section 6. The WWU IMP, Land Use and Open Space Chapter, "District 18" (WWU IMP Page II-50 and II-51), is amended as shown on **Exhibit D**:

Section 7. The WWU IMP, Land Use and Open Space Chapter, "District 19" Map (WWU IMP Page II-52), is amended as shown on **Exhibit E**:

Section 8. The WWU IMP, Land Use and Open Space Chapter, "District 20" Map (WWU IMP Page II-54), is amended as shown on **Exhibit C**:


Section 9. The WWU IMP, Land Use and Open Space Chapter, "District 22" Map (WWU IMP Page II-58), is amended as shown on **Exhibit E**:

Section 10. The WWU IMP, Land Use and Open Space Chapter, "District 23" Map (WWU IMP Page II-60), is amended as shown on **Exhibit E**:

Section 11. The Council adopts the May 19, 2016 Findings of Fact, Conclusions, and Recommendations of the Planning Commission attached as **Exhibit F**.

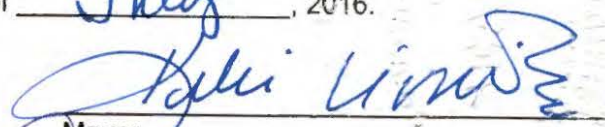
PASSED by the Council this 11th day of July, 2016.

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



Council President


APPROVED by me this 20th day of July, 2016.



Mayor

ATTEST: 

Finance Director




APPROVED AS TO FORM:


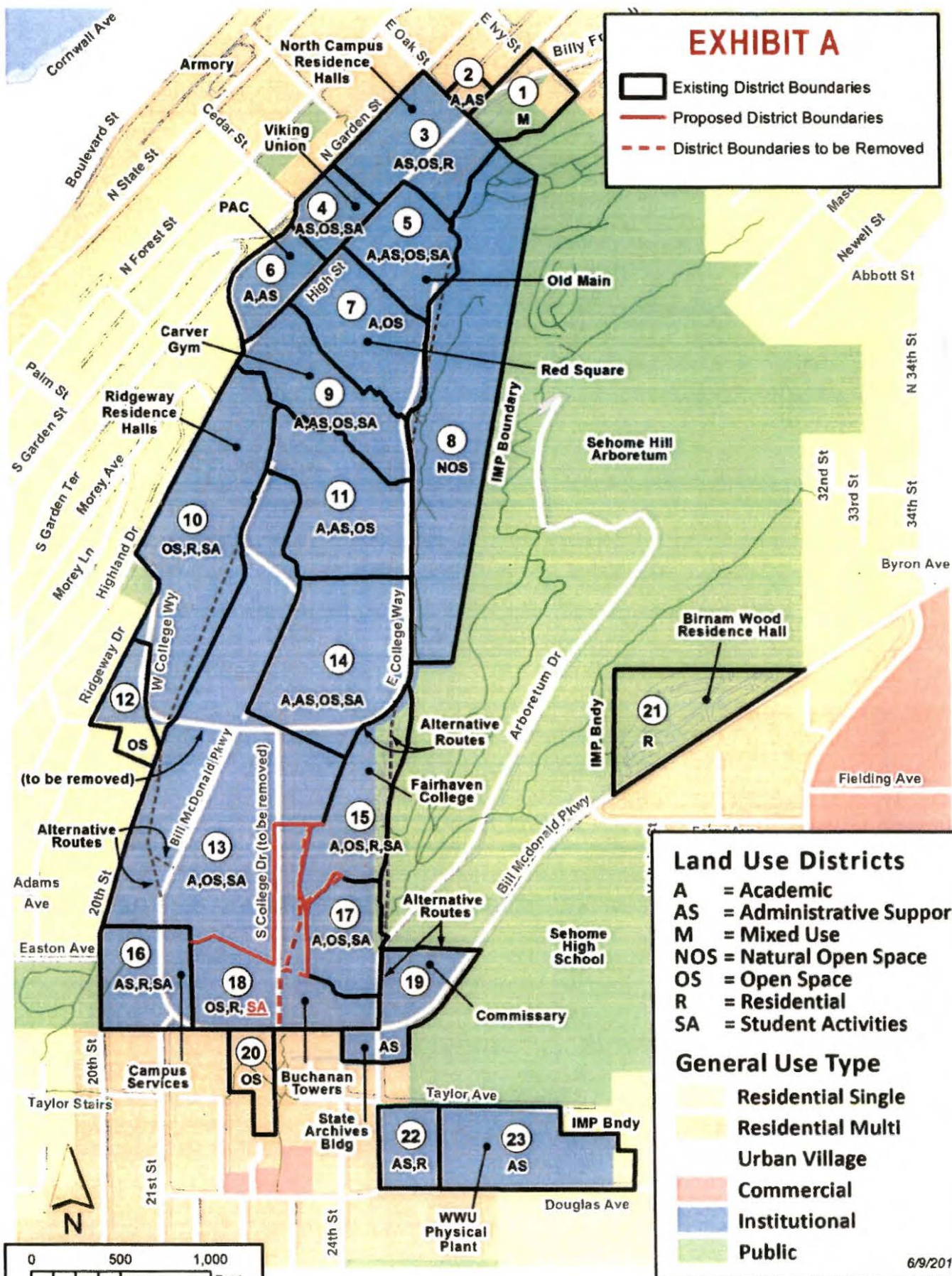
Office of the City Attorney

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July 15, 2016

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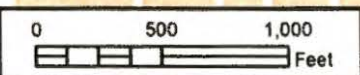
EXHIBIT A

-  Existing District Boundaries
-  Proposed District Boundaries
-  District Boundaries to be Removed



- ### Land Use Districts
- A = Academic
 - AS = Administrative Support
 - M = Mixed Use
 - NOS = Natural Open Space
 - OS = Open Space
 - R = Residential
 - SA = Student Activities

- ### General Use Type
-  Residential Single
 -  Residential Multi
 -  Urban Village
 -  Commercial
 -  Institutional
 -  Public

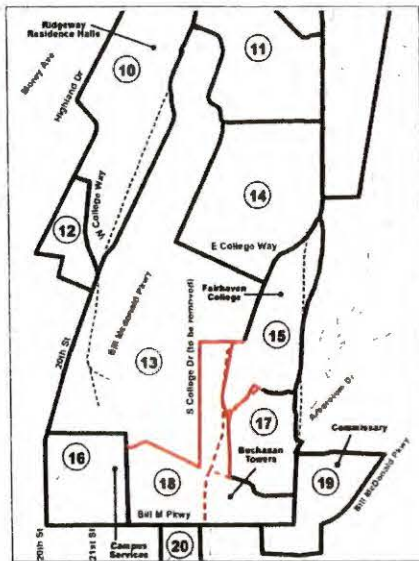


Staff Notes:

- 1) Applicant's requested amendments are shown in legislative format with proposed new text underlined and omission ~~struck out~~.
- 2) Staff's recommended additional amendments are shown with proposed new text double underlined and omissions ~~double struck out~~.
- 3) Key to map changes:
 - Existing District Boundaries
 - Proposed District Boundaries
 - District Boundaries to be Removed

District 13

Location: South Campus Fields



~~2001~~2016 Primary Land Uses:

- Soccer field
- Track
- ~~• Hammer throw~~
- Playfields-general recreation
- ~~• Fastpitch softball field~~
- Parking

City Land Use Designation:

- Institutional (Area 1, WWU Neighborhood Plan)

Adjacent City Zoning:

Residential Single (South Hill Neighborhood), ~~Residential Multi-
(Happy Valley Neighborhood),
Public (Sehome Arboretum)~~

Institutional Master Plan Land Use Classifications:

- Academic
- Student activities
- Open space
- Administrative/support (south campus transit center)



Track



Fast-Pitch Field



21st Street and West College Way

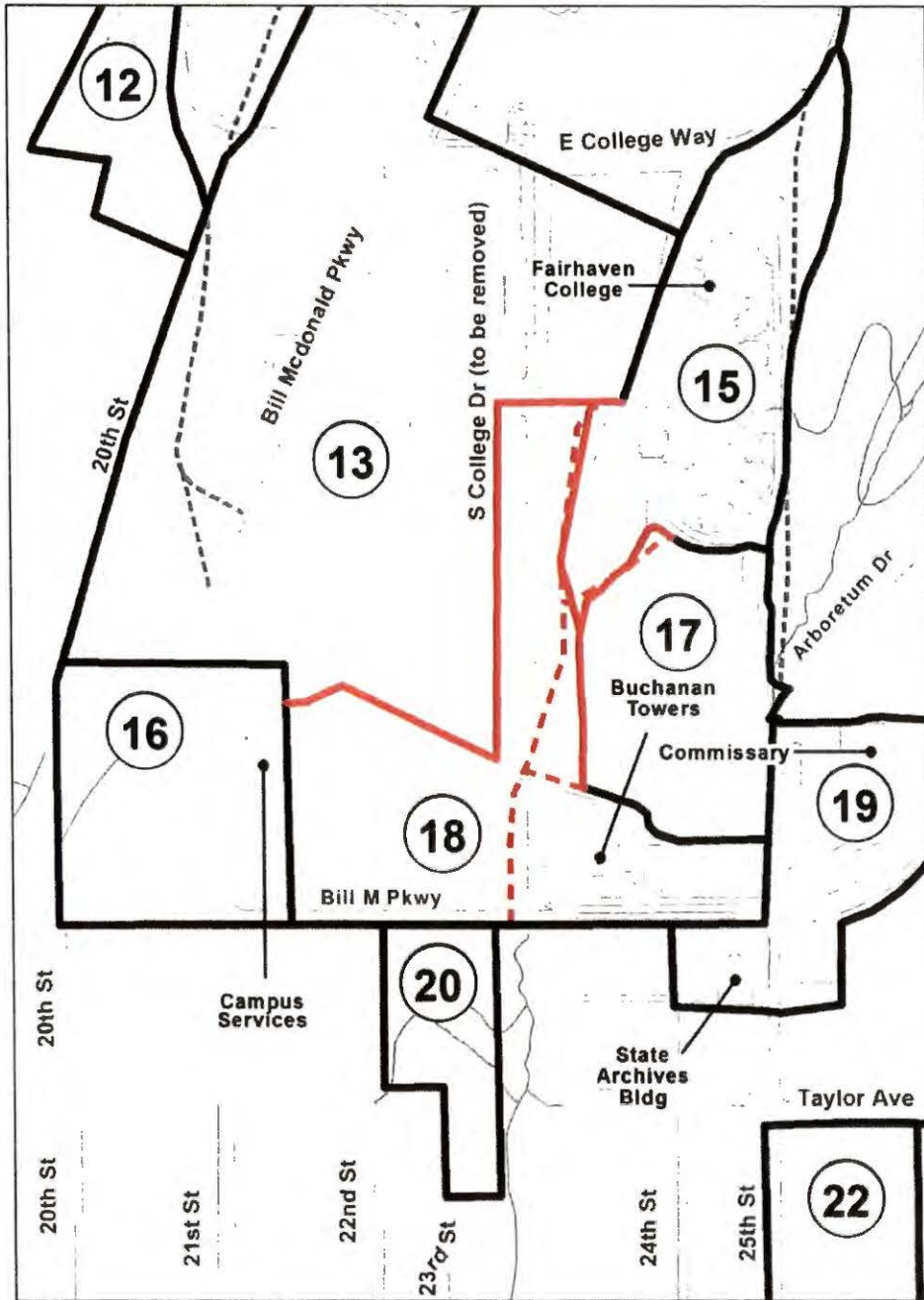
Character Goals and Development Recommendations:




- Maximize the number of regulation size fields.
- Accommodate tennis courts, hammer throw, and academic, varsity and intramural program space needs.
- Accommodate athletic equipment, groundskeeping equipment and restroom facilities.
- Develop views of the valley.
- Increase safety for pedestrians, bicyclists, transit, vehicles.
- Reclaim the valley by removing South College Drive and reconfiguring layout of fields.
- Respect and retain existing character of sculpture pieces.
- Develop parking facility.
- Develop major south campus transit center.

Rationale:

- Locates fields as close as possible to academic core.
- Preserves open space.
- Locates fields close to proposed Student Recreation Center.
- Provides parking facility for south campus activities.
- Provides transit service for south campus.

EXHIBIT C



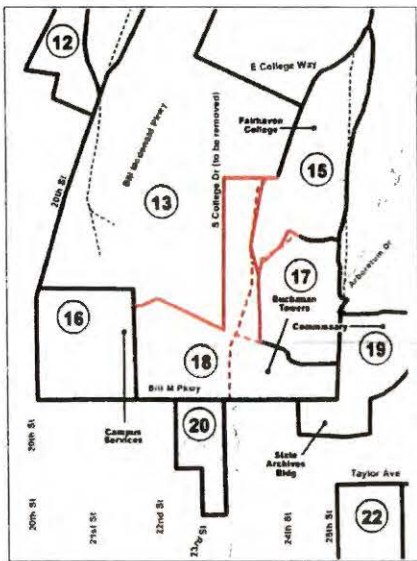
-  Existing District Boundaries
-  Proposed District Boundaries
-  District Boundaries to be Removed

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District 18

Location: Buchanan Towers Area North of Bill McDonald Parkway



Adjacent City Zoning:
Residential-Multi (Happy Valley
Neighborhood to the south)

~~2001~~ 2008 Primary Land Uses:

- Student housing (Buchanan Towers)
- General recreation
- Tennis
- Fastpitch softball fields
- Associated circulation and parking
- Open space (~~north of Buchanan Towers~~)

City Land Use Designation:

- Institutional (Area 1, WWU Neighborhood Plan)

Institutional Master Plan Land Use Classifications:

- Residential
- Student Activities
- Open space



Buchanan Towers



Intersection at Bill McDonald Parkway and South College Drive

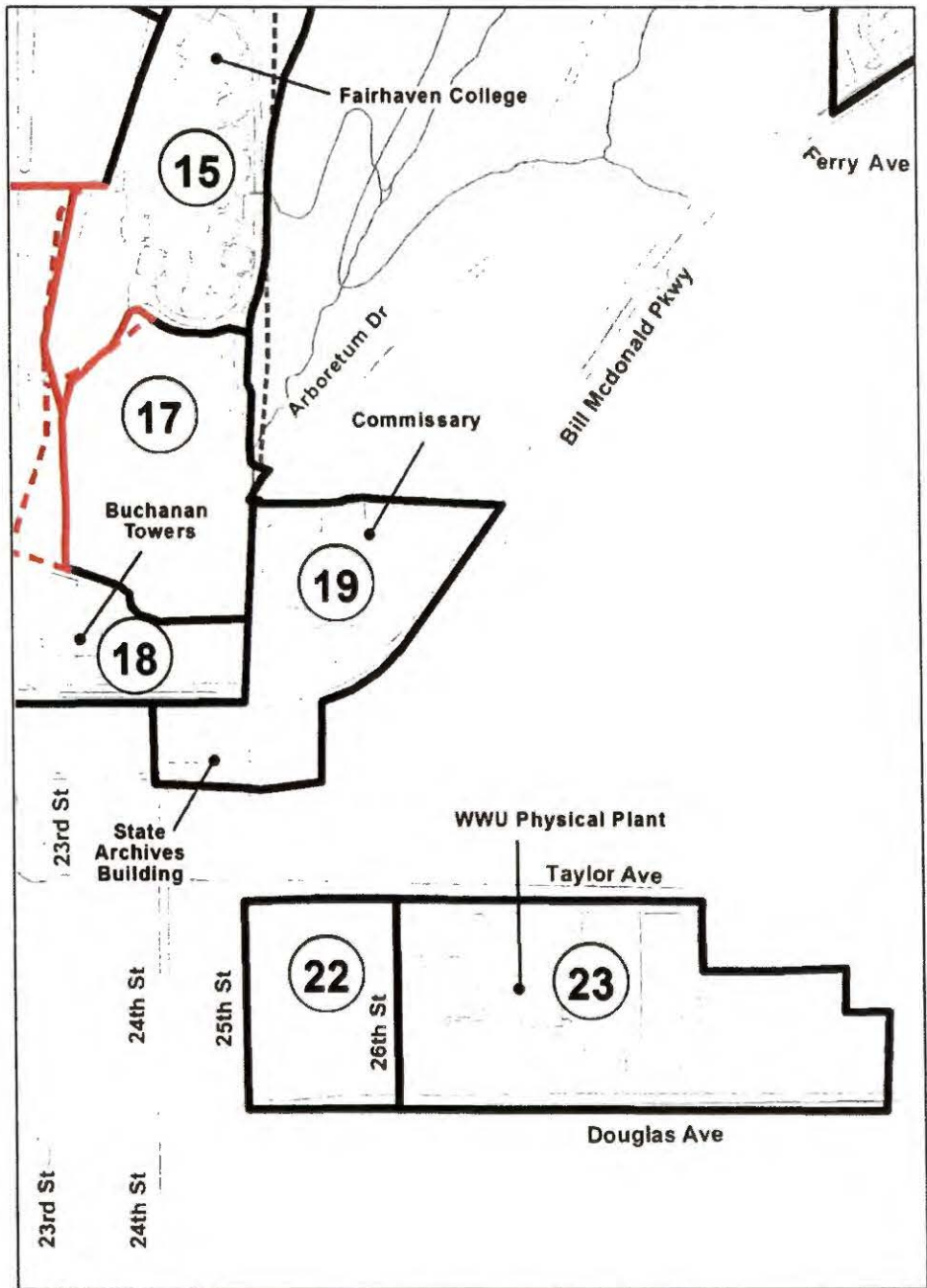
Character Goals and Development Recommendations:

- Study potential environmental and neighborhood impacts and identify mitigation for proposed parking structure.
- Accommodate southern exposure required by Outdoor Experiential Learning Site (OELS) by careful siting of any future structures.
- Develop views of the valley.
- Reclaim the valley by removing South College Drive.

Rationale:

- Residential and Student Activities use provides buffer between campus and multi-residential neighborhood to the south.
- Provides parking on the periphery of campus.

EXHIBIT E






-  Existing District Boundaries
-  Proposed District Boundaries
-  District Boundaries to be Removed

EXHIBIT F

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

WESTERN WASHINGTON UNIVERSITY QUASI-JUDICIAL INSTITUTIONAL MASTER PLAN AMENDMENTS

MAY 19, 2016

SUMMARY

Following the May 19, 2016 public hearing and deliberations on the proposed quasi-judicial amendments to the Western Washington University (WWU) Institutional Master Plan (IMP), the Bellingham Planning Commission has determined that proposed changes comply with and will implement the Bellingham Comprehensive Plan goals and policies, and the institutional master plan purpose and intent found in Bellingham Municipal Code Chapter 20.40. The Commission recommends that City Council approve the proposed amendments.

I. FINDINGS OF FACT

1. Proposal Description

WWU has requested amendments to the WWU IMP to enlarge IMP District 18 and allow student housing along South College Drive between the Buchanan Towers residence hall and Fairhaven student housing complex. As part of the proposal, WWU IMP Districts 13, 15 and 17 would be reduced in size and "Student Activities" would be listed as an IMP land use classification in District 18. Other parts of the WWU IMP will be amended as necessary to be consistent with the preceding proposed amendments. A future student housing project will require a separate environmental and project review during design phase.

2. Background Information/Procedural History

The area that would be subject to the proposed amendments is located in Area 1 of the WWU Neighborhood Plan and zoned Institutional. The WWU Neighborhood Plan was adopted in 1998 as a subarea component of the Comprehensive Plan. The purpose of this plan is to clarify and strengthen relationships between the City, the University and the surrounding neighborhoods with respect to planning for future growth and development within the Western Washington University neighborhood. It is also the intent of this plan to identify issues and provide a foundation for eventual adoption by the city and WWU of an institutional master plan (IMP) in accordance with BMC 20.40. As such, this plan contains text and a number of recommendations that are to be implemented by specific requirements in the subsequent IMP.

As required by BMC Chapter 20.40, the WWU IMP was prepared by WWU and the City and adopted by the City in 2001 (Ord. #2001-09-068) as an addendum to the 1998 WWU Neighborhood Plan. The IMP provides more definitive standards to ensure that the campus evolves in a planned and coordinated manner, while maintaining the campus character and academic mission. These standards include appropriate land uses, circulation and parking

requirements, infrastructure improvements, building heights, setbacks, buffering and landscaping requirements, and other guidelines for the development of campus.

Area 1 in BMC 20.00.220 WWU Neighborhood Table of Zoning Regulations consists of Western's campus and identifies the WWU IMP as containing the applicable Density, Special Conditions, and Special Regulations for development on Western's campus.

3. Public Comment

On March 14, 2016, the applicant's representative held a neighborhood meeting for the proposed quasi-judicial IMP amendments. No one attended.

A Notice of the Planning Commission hearing was mailed to WWU and abutting neighborhood representatives and neighborhood associations, owners of property within 500 feet of the site boundary of the subject property as listed by the Whatcom County assessor records, and other parties with an interest in this topic. The notice was also published in the Bellingham Herald. Notices were issued at least 30 days prior to the hearing date.

Written public comment received prior to the Commission's public hearing included 17 letters and an online petition signed with 281 electronic signatures. Three people spoke at the May 19 public hearing.

Public testimony, written and oral, largely revolved around concerns about potential impacts from shading of the Outdoor Experiential Learning Center (Outback Farm) by new development in the expanded District 18 on the west side of the Outback Farm. Staff provided a Power Point showing existing topography, building, and tree canopy elevation profiles created from 2013 LiDAR LAS point elevation data. The Power Point also showed approximately where the existing trail aligns on the hilltop as the common boundary between District 17 (Outback Farm) and the expanded District 18. The Power Point indicated that additional shading impacts to the Outback Farm from new development in the expanded District 18 should be minimal compared to that from the existing tree canopy along the revised common boundary between Districts 17 and 18.

4. State Environmental Policy Act (SEPA) Determination

A non-project SEPA determination of Non-Significance was issued by the City of Bellingham on May 20, 2016.

5. Consistency with the Institutional Master Plan Amendment Criteria

The following criteria was considered by the Planning Commission in its review of whether the proposal is consistent with the Institutional land use designation purpose and intent pursuant to BMC 20.40.020.

The purpose of the institutional (land) use designation is to:

- 1) Delineate definite boundaries and development parameters for institutional types of uses;**

Analysis: The Planning Commission finds the proposed amendments are consistent with this criteria in that it does not include changes to the WWU IMP perimeter

boundaries, and it will maintaining the WWU IMP's existing regulatory framework. Proposed IMP amendments would be limited to realigning internal district boundaries between Districts 13, 15, 17 and 18 to enlarge District 18, and reallocating development parameters between the realigned districts as necessary to: 1) add "student activities" as an IMP land use classification in District 18, 2) maintain student activities, character goals and development recommendations applicable to the area abutting Bill McDonald Parkway, and 3) amend other parts of the WWU IMP as necessary to be consistent with the preceding proposed amendments.

*The reason for expanding District 18 to include the softball field and tennis courts is to provide sufficient area to develop new student housing with up to 200 beds and stay within the maximum allowed floor area ratio (FAR) of 0.65 and maximum building area ratio (BAR) of 0.24 for development in Residential areas.¹ The proposal to expand District 18 is intended to allow student housing along South College Drive between the Buchanan Towers residence hall and Fairhaven student housing complex. To reinforce this intent, staff recommends that development parameters related "Primary Land Uses", "Character Goals and Development Recommendations", and "Rationale" that are currently applicable to development adjacent to Bill McDonald Parkway in District 13 should be carried over to the expanded District 18 (see **Attachments 2, 3 and 4**).*

The Planning Commission finds that criteria #1 is met by the proposal.

2) Ensure orderly, phased development of appropriate uses within those areas

Analysis: The Planning Commission finds the proposed amendments, with staff's recommendations in #1 above, will ensure the continued orderly, phased development of appropriate uses within the WWU IMP land use districts. The WWU IMP chapter titled Phased Development Schedule outlines the maximum build-out under the current WWU IMP. It also includes a maximum build-out for various permitted uses, including residential. The proposal will not change how much residential can be built on Western's campus, rather, it provides a little more flexibility in where it can be located on campus.

The intent of the proposal is to allow student housing along South College Drive between the Buchanan Towers residence hall and Fairhaven student housing complex. This location is currently an undeveloped hillside with no specific identified use other than natural open space. Allowing new student housing in this location will support alternative transportation with academic, recreational, and dining facilities within walking distance. Buchanan Towers and the Fairhaven complex each contain a small retail outlet with basic necessities. WWU manages parking on campus as a system and is well developed and coordinated with alternative transportation facilities and providers. The proposal is located convenient to Whatcom Transportation Authority's Blue GoLine which provides frequent service between downtown and Sehome Village Shopping Center.

The Planning Commission finds that criteria #2 is met by the proposal.

3) Identify and reduce the impacts of institutional development on surrounding areas with less intensive uses.

¹ WWU IMP, Chapter VI - Standards, Site Coverage

Analysis: As indicated in the staff report, the WWU IMP regulates development of land where the district boundaries are proposed to be amended. Projects proposed in these districts must be consistent with the review process, use limitations, development standards, and performance standards therein. The development and performance standards in the WWU IMP were established, among other purposes, to mitigate the impacts of institutional development on surrounding areas with less intensive development. The proposal to expand District 18 is intended to allow student housing along South College Drive between the Buchanan Towers residence hall and Fairhaven student housing complex.

The proposed amendments, with staff's recommendations in #1 above, promote a desirable land use pattern for the area in question and is compatible with adjacent development in the abutting Happy Valley Neighborhood. They would allow new student housing north of Buchanan Towers and maintain the student activities (softball field, tennis courts, etc.) which are currently located along the south boundary of District 18 (Bill McDonald Parkway). The proposed amendments will serve the long term best interest of the community by minimizing impacts to abutting neighborhoods, facilitating the efficient use of land on Western's campus, and supporting development of student housing that is located within walking distance to WWU facilities, and where there is ample resident access to multiple transportation modes and recreational resources. The development of additional on-campus student housing will support efforts to relieve pressure on nearby neighborhoods that have an inordinate proportion of homes used as student rentals.

The Planning Commission finds that criteria #3 is met by the proposal.

4) Ensure the adequacy of city utilities, streets and other services to and within institutional areas as they develop.

Analysis: The development of institutional areas, as proposed to be amended and with staff's recommendations in #1 above, will be compatible with the physical features of those areas. As indicated in the staff report, the WWU IMP includes separate chapters on Circulation and Utilities. The infrastructure contemplated within those chapters was planned to service a maximum specified range of development on Western's campus, and any student housing developed under the proposal must be within this range. The proposal does not include amendments to either of those chapters, nor to the IMP's maximum development thresholds. The proposal does not include changes to how other services, such as emergency services, are provided on WWU's campus.

The Planning Commission finds that criteria #4 is met by the proposal.

5) Ensure development of institutional areas which is compatible with the physical features of those areas.

Analysis: Narrative descriptions for each district within the WWU IMP identify primary land uses, character goals and development recommendations, and rationale. The proposal will not change any of these elements other than to allow student housing on an undeveloped hillside that currently has no specific identified use other than natural open space, and to

update and reallocate development parameters between the realigned districts (13, 15, 17 and 18) as noted in #1 above.

The Planning Commission finds that criteria #5 is met by the proposal.

The current WWU IMP includes all the elements and standards required by BMC 20.40.050. In evaluating the proposal, the Planning Commission considered whether the proposed amendments to required institutional master plan elements and standards are consistent with the criteria for these elements and standards as detailed in BMC 20.40.050.

Specifically:

- 1) **BMC 20.40.050(A)(1)(a) regarding the 'Land Use' element: "The master plan shall include maps and plans showing the following information:**

...

(iii.) Existing improvements and land uses both within and contiguous to the institutional area.

(iv.) Proposed land use classifications and boundaries between those use areas within the institutional area.

..."

- 2) **BMC 20.40.050(A)(1)(b) regarding the 'Land Use' element: "The rationale for the proposed land use classifications shall also be discussed. A list of the specific uses which would be allowed within each area shown on the land use classification plan shall also be included in the land use element."**

Analysis: The Planning Commission finds the proposed amendments are consistent with the criteria for the required "elements" in BMC 20.40.050(A) by maintaining the WWU IMP's existing regulatory framework of land use districts, land use classifications assigned to districts, rational for the land use classifications, information on existing improvements and uses, and character goals and development recommendations. Proposed amendments to these elements are limited to the "land use" element provisions in #1 and #2 above; they do not include changes to any of the other required elements under BMC 20.40.050(A). Specifically, the WWU IMP amendments would be limited to realigning internal district boundaries between Districts 13, 15, 17 and 18 to enlarge District 18, and reallocating development parameters between the realigned districts as necessary to:

- 1) Add "student activities" as an IMP land use classification in District 18,
- 2) Maintain student activities, character goals and development recommendations applicable to the area abutting Bill McDonald Parkway, and
- 3) Amend other parts of the WWU IMP as necessary to be consistent with the preceding proposed amendments, including staff's recommendation that development parameters related to "Primary Land Uses", "Character Goals and Development Recommendations", and "Rationale" that are currently applicable to development adjacent to Bill McDonald Parkway in District 13 should be carried over to the expanded District 18 as shown in **Attachments 3 and 4.**

The proposal does not include changes to any of the other required elements under BMC 20.40.050(A).

The Planning Commission finds that criteria #1 and #2 are met.

3) BMC 20.40.050(B) regarding 'Standards': "The master plan for an institutional use shall also contain standards for development within the area. ..."

Analysis: As indicated in the staff report, the proposal does not include changes to any of the "standards" required under BMC 20.40.050(B).

The Planning Commission finds that this criteria is not applicable as no changes are being proposed to the WWU IMP standards.

6. Consistency with the Bellingham Comprehensive Plan:

The comprehensive plan identifies the guiding principles and goals for administrative and legislative decisions pertaining to the Bellingham Municipal Code. The WWU Neighborhood Plan, adopted as a subarea component of the comprehensive plan, provided an additional foundation for the eventual adoption by the City and WWU of the WWU IMP. The principles particularly applicable to the proposed amendments are as follows:

- Develop and implement plans, programs, and regulations that promote efficient use of land, reduce sprawl, encourage alternative modes of transportation, safeguard the environment, promote healthy neighborhoods, protect existing neighborhood character, and maintain Bellingham's sense of community.
- Ensure that development is consistent with the goals and policies in the Comprehensive Plan.

The Planning Commission finds that the proposed amendments are consistent with the Bellingham Comprehensive Plan and WWU Neighborhood Plan, and help achieve the comprehensive plan goals and policies.

II. CONCLUSIONS

Based on the staff report, the submittal from the applicant and the information presented at the public hearing, the Planning Commission concludes:

1. The proposal complies with, and will implement, the goals and policies of the Bellingham Comprehensive Plan, county-wide planning policies, and the State Growth Management Act.
2. The proposed amendments are consistent with, and satisfy the purpose and intent for institutional development in BMC Chapter 20.40.020.
3. The proposed amendments will maintain WWU IMP's existing regulatory framework consistent with the required elements and standards in BMC Chapter 20.40.050.

III. RECOMMENDATION

Based on the findings and conclusions, the Bellingham Planning Commission recommends that the City Council approve the proposed WWU IMP amendments as generally shown in **Attachments 2, 3 and 4** attached to the staff report, and as described to:

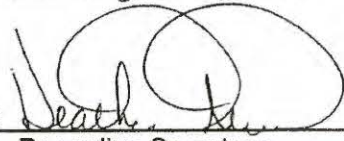
- 1) Adjust the boundaries between WWU IMP land use Districts 13, 15, 17 and 18 to increase the size of District 18;
- 2) Add a new 'student activities' land use classification to WWU IMP District 18;
- 3) Update and reallocated development parameters between the realigned districts (13, 15, 17 and 18), including those related to "Primary Land Uses", "Character Goals and Development Recommendations", and "Rationale" that are currently applicable to development adjacent to Bill McDonald Parkway in District 13 should be carried over to the expanded District 18 shown in **Attachments 3 and 4**; and
- 4) Amend other parts of the WWU IMP, including maps, as necessary to be consistent with the changes in 1-3 above.

The Commission further recommends that staff prepare an ordinance reflecting the above amendments for City Council consideration.

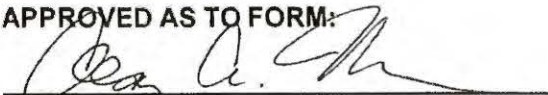
ADOPTED this 9th day of JUNE, 2016.



Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:


City Attorney