

**ORDINANCE NO. 2024-02-004**

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) TITLE 23, LAND DIVISION FOR CLARITY AND CORRECTIONS; AMENDING BMC 23.04.060, 23.06.020, 23.08.040, 23.08.050, 23.08.060, 23.08.070, 23.08.080, 23.10.030, 23.12.010, 23.12.090, 23.16.010, 23.36.040. AND 23.30.010.**

**WHEREAS**, the City Council adopted the 2016 Bellingham Comprehensive Plan to guide Bellingham's growth and development for the next 20-years; and

**WHEREAS**, Title 23 – Land Division of the BMC was adopted to fully implement the Comprehensive Plan; and

**WHEREAS**, the Planning and Community Development Department has been developing a series of minor code amendments to improve implementation of the City's land division codes; and

**WHEREAS**, the proposed code amendments to Title 23 – Land Division are intended to improve implementation of the City's land division regulations, correct inconsistencies, and provide clarity; and

**WHEREAS**, the proposed amendments will improve the application and implementation of the land division regulations to the benefit of the public and staff; and

**WHEREAS**, the proposed amendments comply with and implement the goals and policies of the Comprehensive Plan; and

**WHEREAS**, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act and issued a Determination of Non-Significance (SEP2023-0031) on November 2, 2023; and

**WHEREAS**, staff sent notice of the City's intent to adopt the proposed land use development regulations to the State of Washington Department of Commerce on November 3, 2023, as required by RCW 36.70A.106; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on November 16, 2023, to consider the proposed amendments; and

**WHEREAS**, the Planning Commission considered the established record, including public comments, and thereafter made Findings of Fact, Conclusions and Recommendations for approval of the proposed amendments by a 6-0 vote; and

**WHEREAS**, the City Council held a properly noticed public hearing on the proposed amendments on January 29, 2024; and

**WHEREAS**, the City Council has considered the recommendation of the Planning Commission, the established record including public comments, and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission;

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

**Section 1.** BMC 23.04.060 concerning Completion of public infrastructure is hereby amended as follows:

23.04.060 Completion of public and private infrastructure.

All public and private infrastructure required as a condition of approval pursuant to this title shall be provided by the applicant and accepted by the city; the city engineer may accept a financial surety for 150 percent of the total cost to complete the unfinished infrastructure if it is determined there will not be a threat to public health or safety and that the work cannot be completed due to seasonal constraints or other circumstance associated with the proposal.

**Section 2.** BMC 23.06.020 concerning Specific definitions is hereby amended as follows:

“Mylar” means the vellum material that all final subdivision map may be ~~are~~ produced on for recording purposes.

**Section 3.** BMC 23.08.040 concerning Maximum number of lots is hereby amended as follows:

A-B. [No Change, Added for reference only]

A. Lot Number Calculation for Short and Preliminary Subdivisions. To calculate the maximum number of lots permissible on the subdivided parcel, divide the total property size, less any submerged lands, by the minimum detached lot size requirement specified in the applicable neighborhood subarea pursuant to zoning tables in Chapter 20.00 BMC. Where there exists no specified minimum lot size in the land use classification within the applicable neighborhood zoning table, the number of units possible in any designated ranged density classification shall be determined by dividing the area of the subject property by the maximum and minimum density listed in BMC 20.32.040(B) for the ranged density in the applicable subarea of the zoning table pursuant to Chapter 20.00 BMC. Minimum and maximum densities for residential development in residential multi zoned areas shall be consistent with BMC 20.32.040(B). The development of detached single-family dwelling units is allowed only when found compliant with BMC 20.32.010(B). The maximum number of lots is calculated in whole numbers and any fraction shall be rounded down to the next lower whole number, except as provided in subsection (D) of this section.

B. Lot Number Calculation for Cluster Subdivision. For division of land utilizing the cluster subdivision provision, the maximum number of lots shall be determined by dividing the total property size, less any submerged lands, by the specified cluster density found in the land use classification within the applicable neighborhood zoning table. If no cluster density is specified in the land use classification within the applicable neighborhood zoning table, the



number of units possible in any designated ranged density classification shall be determined by dividing the area of the subject property by the maximum and minimum density listed in BMC 20.32.040(B) for the ranged density in the applicable subarea of the zoning table pursuant to Chapter 20.00 BMC. Minimum and maximum densities for residential development in residential multi zoned areas shall be consistent with BMC 20.32.040(B). The development of detached single-family dwelling units is allowed only when found compliant with BMC 20.32.010(B). The maximum number of lots is calculated in whole numbers and any fraction shall be rounded down to the next lower whole number, except as provided in subsection (D) of this section.

C. *Cluster Subdivision Lot Bonus.* A maximum bonus of an additional 50 percent more lots, except where the applicable zoning allows a greater bonus, may be allowed for short or preliminary cluster plats in addition to the underlying number of lots allowed in BMC 23.08.040(B) above ~~the applicable zoning~~ if one or any combination of the following options are met:

1-8. [No Change].

D. *Rounding Provisions.* When a proposal consisting of (1) more than one existing lot of record or (2) a parcel of land legally established and described by metes and bounds that has not been previously subdivided, the maximum number of possible lots determined in subsection (A) and (B) of this section may be increased by rounding up to the next higher whole number under the following scenarios:

1-4. [No Change].

**Section 4.** BMC 23.08.050 concerning Minimum lot size is hereby amended as follows:

A. *Minimum Lot Size.* All new or reconfigured lots must meet the minimum size requirement specified in the applicable neighborhood subarea pursuant to the zoning tables in Chapter 20.00 BMC under the heading "Density" except in the following instances:

1. *Lot Size Not Designated.* When no minimum lot size in the subject area land use designation is specified, the lot size shall be determined by the applicant, subject to any other applicable codes or requirements and this title, including bulk and dimensional standards.

2. *Lot Line Adjustments.* ~~No lot within a lot line adjustment application may be reduced to a size that is smaller than the smallest existing lot within the application. Existing lots included in a lot line adjustment that are nonconforming to the minimum site area as~~

~~specified in the applicable neighborhood subarea pursuant to the zoning tables in Chapter 20.00 BMC may be further reduced through the lot line adjustment process provided no new lot is less than the area of the smallest existing lot. Adjusted lots may be reduced below the required minimum site area to no less than the site area of the smallest nonconforming lot or as may be permitted by the lot area provisions of BMC 23.08.050(A)(6).~~

3. through 7. [No Change]

**Section 5.** BMC 23.08.060 concerning Lot design standards is hereby amended as follows:

A. *Logical Boundaries.* Lots ~~shall be~~ are generally designed to be at right angles to the abutting street and avoid awkward configurations, jogs around existing structures, or awkward appendages, except as approved by the Planning and Community Development Director and in lot line adjustments where the express purpose of the adjustment is to correct a legitimate property line encroachment.

B. [No Change].

C. *Alley Access.* The following provisions shall be considered for land divisions that abut a platted alley.

1. Vehicular access to newly created lots that abut a public alley shall be from the alley. Alley access to newly created lots that contain an existing residence may be waived when determined the configuration of the residence and its parking are not conducive to alley access.
2. A pedestrian walkway shall be provided from the entrance of a residential or commercial building to the abutting street except when the director determines such access is not feasible due to site constraints such as unusual shape, topography or environmentally sensitive areas or is not practical due to the configuration of an existing residence.
3. Alley access may be waived by the planning director and city engineer if determined:
  - a. An existing dwelling and its garage are in a location where access from the alley is impractical or impossible due to the topography or environmental constraints of the site; or
  - b. Construction of the alley is not needed for the orderly extension of public infrastructure.

~~1. Any division of land that abuts a platted alley shall maintain vehicular alley access to required parking and maintain or provide a pedestrian pathway from existing development to the fronting street.~~



~~2. Development of newly created lots abutting an alley shall also provide required parking from the alley and a pedestrian pathway to the fronting street. Vehicular access from the street shall be restricted.~~

~~3. If the division of land displaces parking for existing development that is accessed from the fronting street, the parking shall be relocated off the alley unless the director determines:~~

~~a. The configuration of an existing residence is not conducive to alley-loaded parking;~~

~~b. The site is constrained due to unusual shape, topography, environmentally sensitive areas; or~~

~~c. There are other extraordinary situations inherent with the site or its improvements.~~

D. *Building Envelope.*

1. Each newly created lot shall provide a building envelope with the dimensions specified in Table 23.08.060(A).

Table 23.08.060(A)

Zoning	Building Envelope (feet)
Residential Single, Detached and Residential Multi, Transition	60 X 60 (1)
	50 X 50 (2)
	40 X 40 (3)
Residential Multi Transition, Attached Single Family (BMC <a href="#">20.32.045</a> )	25 X 50
Residential Single Cluster, Detached	40 X 40 (4)
Residential Single Cluster, Attached	20 X 40

Zoning	Building Envelope (feet)
Residential Multi Multiple and Planned, Urban Village, Commercial, Industrial, Institutional, and Public	Exempt (5)(6)
Infill Toolkit Housing Forms in Preliminary Plats, Cluster Short Plats, and Cluster Preliminary Plats	Exempt

Notes:

- (1) – (2). [No Change].
- (3) Single-family and duplex lots with a minimum density requirement less than 5,000 sf and with a minimum density requirement equal to 5,000 sf where existing blocks are platted with 40-foot wide lots ~~40 feet by 125 feet~~. Building envelopes may be reduced to 35 feet by 40 feet when vehicular access is provided from an alley.
- (4) Building envelopes may be reduced to 35 feet by 40 feet when vehicular access is restricted to an alley.
- (5) – (6). [No Change].

E. *Abutment – Public Infrastructure*. All lots created under this title shall be designed to have access to public infrastructure by abutment on a public street, which may be by such as a pipestem, or by some other legally sufficient right-of-access, such as an easement, which is permanent and inseparable from the lot served. Pipestem and easement widths shall meet the provisions of this chapter.

- 1. *Abutment by Pipestem*. The pipestem portion of a lot shall be 20 feet wide for a single pipestem or 10 feet wide for each side-by-side pipestem.
- 2. *Abutment by Private Access Easement*. The access easement shall be for all benefiting lots within the land division and have a width consistent with this chapter and in a form pursuant to this title.
- 3. *Consolidated access*. Access for pipestem lots and lots lacking street frontage shall have a shared consolidated driveway within an access easement and are required to



take access from a shared consolidated driveway within this easement area, unless it is determined by the city engineer that:

a. An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or

b. A potential safety issue exists related to access from the easement.

~~1. *Abutment by Pipestem.* Pipestem lots may only be permitted in a land division if all of the following provisions are met:~~

~~a. A maximum of three pipestems, located side-by-side, is permitted;~~

~~b. The pipestem portion of a lot shall be 20 feet wide for a single pipestem and 10 feet wide for multiple, side-by-side pipestems;~~

~~c. The pipestem portion of the lot(s) shall be consolidated into a single access easement area in accordance with this title; and~~

~~d. All units that abut or are adjacent to the access easement area are required to take access from a single driveway within this easement area, unless it is determined by the city engineer that:~~

~~i. An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or~~

~~ii. A potential safety issue exists related to access from the easement as determined by the city engineer.~~

~~2. *Abutment by Private Access Easement.* A land division that proposes to create one or more lots that do not have physical abutment on a public street shall meet the following provisions:~~

~~a. A maximum of four lots may be served by a private access easement;~~

~~b. An access easement shall be established for all benefiting lots and have a width consistent with this chapter and in a form pursuant to this title;~~

~~c. Improvements within this easement area shall be limited to a single driveway and landscaping pursuant to this title; and~~

~~d. All units that abut or are adjacent to the access easement are required to take access from a single driveway constructed within this easement area, unless it is determined by the city engineer that:~~

~~i. An existing dwelling and its garage are in a location where access from the easement is impractical or impossible due to the topography or environmental constraints of the site; or~~

~~ii. A potential safety issue exists related to access from the easement as determined by the city engineer.~~

4. 3. Private Driveway Standards and Construction. Private driveways may serve up to 8 lots. Driveways serving 3 or more lots shall be constructed to the following standards: A private driveway required by this chapter that is determined necessary to provide emergency access to newly created lots shall be constructed in accordance with Chapter [17.20](#) BMC prior to final subdivision approval. A driveway not required for emergency access and serving three or more lots shall be constructed to the following standards prior to final subdivision approval:

a. Driving Surface Material and Width. Private driveways must be surfaced with a hard material such as concrete or asphalt with the widths pursuant to Table 23.08.060(B) below. The use of permeable pavement shall be used for hard surface ground cover areas unless determined infeasible per the criteria listed within BMP T5.15 of the Ecology Manual, as amended. Projects that include less than 2,000 square feet of new or replaced impervious surface are exempt from this requirement. Gravel or loose material is prohibited. The pedestrian path required pursuant to Table 23.08.060(B) below shall be constructed of a different material and located abutting the vehicle travel lane unless the Planning Director determines an alternative method of providing pedestrian access to the street can be achieved by an equal or better solution.

b. Easement Width. The access easement shall be of sufficient width to provide a private driveway in accordance with Table 20.23.060(B) and any required landscaping and/or fencing.

~~b. Driveway Width.~~ The driveway shall be surfaced with a minimum of 15 feet, which includes an 11-foot-wide vehicle travel lane and a four-foot-wide pedestrian path on one side. ~~The pedestrian path shall be constructed of a different hard surfaced material and located abutting the vehicle travel lane.~~



Table 23.08.060(B)

	<u>Travel Lane Width</u>	<u>Pedestrian Path Width</u>	<u>Total Width</u>
<u>Medium Driveway (three to five dwelling units) (Figure 20.28.050(A))</u>	<u>11 feet</u>	<u>4 feet, one side</u>	<u>15 feet</u>
<u>Large Driveway (six to eight dwelling units and lanes over 100 feet long) (Figure 20.38.050(B))</u>	<u>12 feet</u>	<u>4 feet, both sides</u>	<u>20 feet</u>

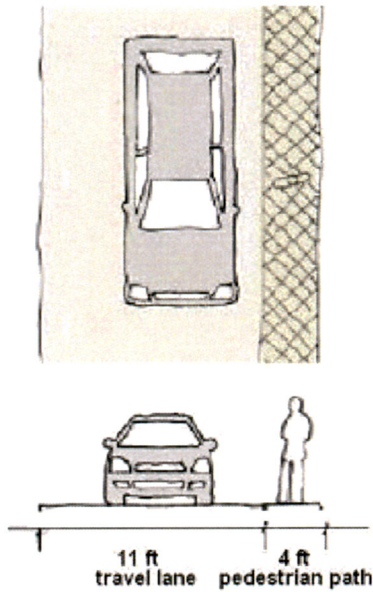


Figure 20.28.050(A) Medium Driveway Plan and Section

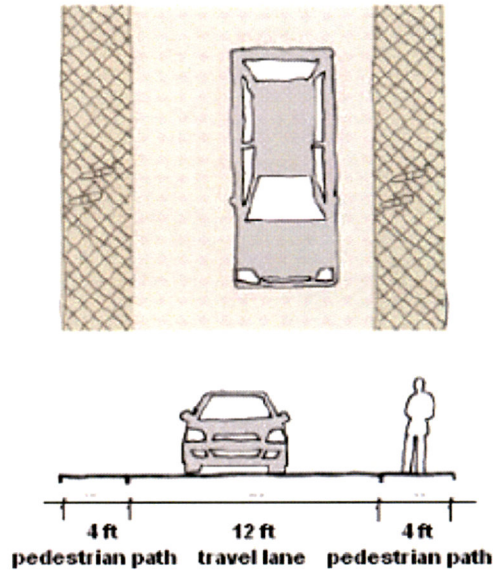
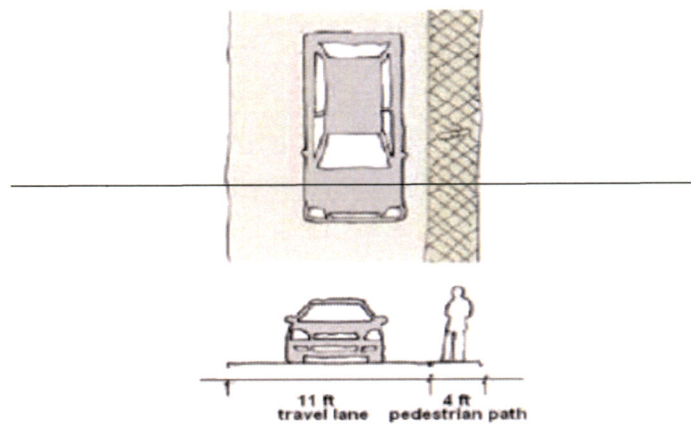


Figure 20.28.050(B) Large Driveway Plan and Section

Figure 23.08.060(A) Private Driveway Plan and Section



c. A private driveway determined necessary to provide emergency access to newly created lots shall be constructed in accordance with Chapter 17.20 BMC and include the number of pedestrian path(s) required above within the fire apparatus road.

d.-e. Landscaping and Fencing. A five-foot landscaped planting area or a six-foot-tall solid fence shall be provided between the private driveway and all existing residential structures for the entire length of a structure of the easement boundary or shared property line. Landscaping shall consist of a mixture of trees, shrubs, and ground cover pursuant to BMC [20.12.030](#).



The landscaped planting area may contain storm water facilities provided the facilities are landscaped pursuant to BMC [20.12.030](#).

e. Existing Driveways. Existing driveways may be exempted from complying with the provision of this section provided:

- i. The Fire Marshal determines the existing conditions of the driveway either provide sufficient emergency access to the lots within the land division in its existing condition or if the driveway is not sufficient, the Fire Marshal shall establish an alternative standard or other mitigating measure necessary to provide sufficient emergency access; and
- ii. The planning director determines:
  - (1). There are other extraordinary situations inherent with the site or its improvements; and
  - (2). Existing lots that use the driveway for access will not be significantly impacted or burdened.

5. Private Utilities. All private utilities required to serve lots within a land division, including but not limited to water, sewer and stormwater, shall be installed concurrently with the construction of the driveway pursuant to the provisions above.

6. 4. Access and/or Utility Easement. A common driveway shall be placed within a private access easement. All required access and utility easements shall be noted on the face of the mylars and shall be recorded with the Whatcom County auditor's office prior to or concurrently with the mylars. The easement shall:

- a. Be a sufficient width to include the vehicle travel lane, pedestrian path, required landscaping/fencing, storm water facilities, utilities, and any additional width determined necessary for maintenance and/or repair activities of those facilities;
- b. Provide a direct connection from a publicly dedicated improved street to each lot being served by the easement;
- c. Be prepared in accordance with this title; and
- d. Include provisions requiring common maintenance and cost sharing of the driveway and all associated landscaping and storm water facilities and authority to conduct repairs of individual private utilities within the easement.

F. Cluster Short and Cluster Preliminary Plats. All cluster subdivisions shall demonstrate compliance, as applicable, with the following:

1. Lot Size Transition. Lots created through a cluster land division shall provide a transition of lot size when abutting property with a Residential-Single, Detached zoning designation that is developed with single-family uses on fee simple lots. When a lot size transition is required, the minimum site area of the transition lot(s) shall be the smaller of the area of the existing developed lot(s) or 80% of the abutting underlying zoning minimum lot size. ~~When a cluster short or cluster preliminary subdivision abuts or is located across the street from a developed single-family zoned (-) neighborhood, the lots in the proposed subdivision immediately adjacent to the existing single-family zoned (-) neighborhood shall be developed with a similar housing form on a lot no less than the existing neighborhood lot size, or the underlying zoning minimum lot size for the existing neighborhood minus 10 percent, whichever is smaller.~~

2. *Open Space.* A minimum of 15 percent of the site shall be reserved for open space that (a) preserves significant natural features including, but not limited to, critical areas and associated buffers or mature stands of trees, and/or (b) creates recreational open space with amenities. The reserved open space shall meet the following requirements:

a. Protected from further subdivision or development by filing covenants for the open space area concurrently with the final plat of the subdivision and placed in a separate tract for ownership by the homeowner's association or consolidated in an abutting lot; and

b-c. [No Change].

3. *Infill Toolkit.* Infill toolkit uses that are incorporated into a cluster subdivision shall comply with Chapter 20.28 BMC. All cluster subdivisions that include infill toolkit housing types shall comply with the lot size transition provision pursuant to this chapter. The lot size transition may be waived if the infill housing lots are developed with housing forms having similar bulk, mass, and scale of the abutting residential single uses.

**Section 6.** BMC 23.08.070 concerning Public infrastructure, dedications and improvement requirements is hereby amended as follows:

A-E. [No Change].

*F. Electric and Communication Facilities.* The applicant shall reserve a strip of land 10 feet in width lying adjacent to each exterior side of all dedicated public rights-of-way included in any land division or as may be required by private electric and communication providers. Said lands shall be recorded as nonexclusive public easements and used primarily for the installation of required service utilities. Any and all franchised utilities, including city utilities,



shall rightfully have access to and may use these easements. Exclusive use rights cannot be granted to any single or combination of utilities. BMC 13.15.140 ~~13.15.090~~ shall apply to the location of facilities located within these public easements.

**Section 7.** BMC 23.08.080 concerning Landscaping and design of infrastructure is hereby amended as follows:

A-B. [No Change].

C. *Street Trees.* All ~~land divisions subdivisions, binding site plans, and plat alterations~~ shall provide street trees in accordance with BMC Title 13 and BMC 20.12.030(D)(1) at a rate of one tree for every 50 feet of ~~the existing and proposed street frontages of the land division.~~

**Section 8.** BMC 23.10.030 concerning Decision criteria is hereby amended as follows:

A. Lot line adjustments shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the director that all of the following have been satisfied:

1. [No Change].

2. All resulting lots meet minimum zoning requirements in BMC Title 20, ~~except for minimum lot size as may be reduced pursuant to BMC 23.08.050(A)(2)~~, and the minimum lot design standards as specified in Chapter 23.08 BMC or, if already nonconforming to ~~lot design standards either of these provisions~~, the adjustment may not increase the level of nonconformity unless the director approves a departure pursuant to BMC 23.48.030; and

3-4. [No Change].

**Section 9.** BMC 23.12.010 concerning Approval required is hereby amended as follows:

23.12.010 Approval required.

A. Any action which will result in ~~a the division short or cluster short subdivision~~ of any lot, tract, parcel, or plot of land ~~under the following scenarios~~ shall require preliminary short subdivision approval ~~be subject to approval by the director. Approval shall be based on procedures and criteria set forth in this chapter:-~~

1. Creation of nine or fewer lots, unless otherwise required to obtain preliminary plat approval pursuant to BMC 23.16.010; or

2. Utilize the cluster short subdivision provisions for four or fewer lots, unless otherwise required to obtain preliminary plat approval pursuant to BMC 23.16.010.

B. Cluster Preliminary Short Subdivisions. The cluster provisions in this title may only be utilized in residential single zoned areas which have a “cluster,” “cluster detached,” “cluster attached,” “mixed” or “planned” use qualifier and in any residential area with a residential multi general use type listed in the applicable zoning table pursuant to Chapter 20.00 BMC.

C. Infill Housing. In accordance with Chapter 20.28 BMC and BMC 20.30.030, infill housing in single-family zoning subareas with a “cluster,” “cluster detached,” “cluster attached”, and “planned” use qualifier shall be divided through the cluster subdivision process. Infill housing in all other residential zoning designations may be permitted through a short subdivision unless otherwise required by title.

D. Terminology. This chapter’s reference to “short subdivision” and “short plat” shall be inclusive of the terms “preliminary short subdivision and preliminary cluster short subdivision” and “short plat and cluster short plat” unless specifically referenced in this chapter.

**Section 10.** BMC 23.12.090 concerning Application procedure for final short plat approval is hereby amended as follows:

A. [No Change].

B. *Review Criteria.* A final short plat application shall be approved upon finding by the planning and community development department and public works directors that all of the following have been satisfied:

1-4. [No Change].

C-D. [No Change].

**Section 11.** BMC 23.36.040 concerning Land Division – Record of Survey Document is hereby amended as follows:

A. A record of survey document of mylar quality or of quality accepted by the Whatcom County Auditor’s Office ~~better~~ shall be prepared by a Washington State licensed land surveyor based upon a survey recorded at the county auditor’s office in conformance with Chapter 58.17 RCW and this title. The record of survey document ~~mylar~~ shall be prepared in the format identified in the final subdivision application.

B. [No Change].

C. *Content.* The record of survey document ~~mylar~~ shall include the specific information as required in Chapter 58.17 RCW and the final subdivision application.



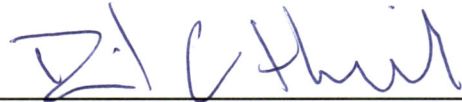
D. *Modifications.* Amendments and alterations to a record of survey ~~mylar~~ document shall be made in accordance with those procedures established by state law and the Washington State Department of Natural Resources.

E. *Naming.* Every record of survey ~~mylar~~ document filed for record as a land division shall include a title that has been reviewed and accepted by the Whatcom County auditor's office and city of Bellingham prior to filing.

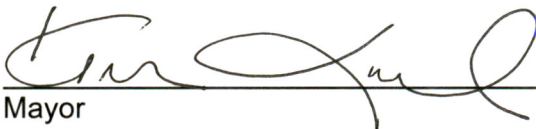
F. [No Change].

**Section 12.** The Council agrees with, and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission, attached as **Exhibit A**.

**PASSED** by the Council this 12th day of February, 2024.

  
\_\_\_\_\_  
Council President


**APPROVED** by me this 16th day of February, 2024.

  
\_\_\_\_\_  
Mayor

**ATTEST:**  
Finance Director

  
\_\_\_\_\_

**APPROVED AS TO FORM:**

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

**Published:**

February 16, 2024  
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# **BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS**

**NOVEMBER 16, 2023**

## **SUMMARY**

Following the public hearing and deliberation on the proposed amendments to various provisions in BMC Title 23 – Land Division, the Bellingham Planning Commission has determined that the proposed code changes provide additional clarification, correct inconsistencies and grammar, and include minor code provision that will further implement the Comprehensive Plan.

## **I. FINDINGS OF FACT**

BMC Title 23-Land Division was approved in December 2018 as a repeal and replace of the previous Subdivision Ordinance, Title 18. City staff has identified through the implementation of BMC Title 23 – Land Division Ordinance that this title is meeting the overall objections identified with the adopting ordinance but there are some provisions that are not achieving the anticipated intent or objectives. These code provisions are the topic of the proposed amendments.

The proposed amendments represent a culmination of Planning and Community Development Department staff's 'running list' of code changes that clarify, correct and implement that land division regulations in a manner that is consistent with the Comprehensive Plan.

### **2. Background Information/Procedural History:**

December 2018: Title 18 Subdivision Ordinance repealed and replaced by Title 23.

October 11, 2023: Staff issued notice of a public hearing before the Planning Commission.

November 2, 2023: The responsible official issued a non-project SEPA Determination of Nonsignificance.

November 3, 2023: Staff submitted a notice of Intent to Adopt to the Washington State Department of Commerce.

November 16, 2023: The Planning Commission held a public hearing.

### **3. Public Comment:**

Notice of the Planning Commission public hearing was mailed to neighborhood representatives, neighborhood associations, and other parties with an interest in this topic. Notice was also published in the Bellingham Herald 30 days prior to the hearing.



**4. State Environmental Policy Act (SEPA) Determination:**

The responsible official issued a non-project SEPA Determination of Non-Significance (DNS) on November 2, 2023. A notice of the threshold decision was mailed to the appropriate agencies, parties of record and published in the Bellingham Herald and on the City's website. The City did not receive public comments in response to the publication of this DNS.

**5. Consistency with the Bellingham Comprehensive Plan:**

Regulations intended to implement land division, zoning and development regulations should be reviewed and amended periodically to address changing circumstances and to implement the goals and policies of the comprehensive plan.

**II. CONCLUSIONS**

The Planning Commission finds that proposed amendments will:

1. Correct minor grammatical errors.
2. Clarify code by appropriately cross-referencing code sections, removing code sections that have not realized substantial benefit, and defining terms and identifying how these terms implement land division regulations.
3. Provide flexibility through administrative decisions concerning access and right of way improvements.
4. Improve the City's implementation of land division regulations by removing process barriers by adding additional administrative discretion concerning code compliance.
5. Further the implementation of the goals and policies of the Bellingham Comprehensive Plan.

**III. RECOMMENDATIONS**

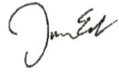
After careful consideration of all public comments, the staff report, other meeting materials, and the Findings and Conclusions, the Planning Commission recommends, with a 6-0 vote, that the City Council approve the proposed amendments to the Bellingham Municipal Code as shown in the draft ordinance.

ADOPTED this 16th day of November, 2023.

  
\_\_\_\_\_  
Planning Commission Chairperson

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

**APPROVED AS TO FORM:**

A handwritten signature in cursive script, appearing to read "J. Ed".

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*City Attorney*