

**ORDINANCE NO. 2024-06-020**

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO MULTI-FAMILY DEVELOPMENT IN THE SILVER BEACH NEIGHBORHOOD, AMENDING THE SILVER BEACH NEIGHBORHOOD PLAN AND THE ZONING TABLE IN TITLE 20 OF THE BELLINGHAM MUNICIPAL CODE TO REDUCE THE DENSITY OF MULTI-FAMILY AREAS 8, 9, AND 13 FROM HIGH DENSITY TO LOW DENSITY AND AREA 18 FROM MEDIUM DENSITY TO LOW DENSITY**

**WHEREAS**, Lake Whatcom is the drinking water reservoir and resource for approximately 100,000 residents in Bellingham and Whatcom County; and

**WHEREAS**, Lake Whatcom has been listed as an impaired water body under section 303(d) of the Federal Clean Water Act for low levels of dissolved oxygen, total phosphorus, dieldrin, mercury, and total PCB's; and

**WHEREAS**, the City, Whatcom County and the Lake Whatcom Water and Sewer District have adopted plans, enacted regulations, programs, and multi-agency coordination that are intended to protect and improve the water quality of Lake Whatcom; and

**WHEREAS**, the City's efforts to protect the water quality of Lake Whatcom are consistent with a variety of goals and policies in the City's Comprehensive Plan; and

**WHEREAS**, most properties that are within the City limits and the Lake Whatcom watershed are within Basin 1 and in the Silver Beach Neighborhood; and

**WHEREAS**, the City recently enacted changes to residential multi-family zoning and density requirements to facilitate more dense development in urban areas to increase the supply of housing within proximity to goods, services, and jobs that would be accessible via multi-modal forms of transportation; and

**WHEREAS**, these recent changes to the City's multi-family zoning and densities are consistent with a variety of goals and policies in the City's Comprehensive Plan aimed at providing a variety of housing options and forms; and

**WHEREAS**, there may be an inherent conflict between the high and medium-density zoned areas in the Silver Beach Neighborhood and the Comprehensive Plan goals and policies calling for the protection of Lake Whatcom's water quality; and

**WHEREAS**, there are four residential multi-family zones in the Silver Beach Neighborhood; and

**WHEREAS**, three of these multi-family zones have a specified density of "high" that would allow for significant additional development in the Lake Whatcom watershed, which could negatively impact Lake Whatcom water quality; and

**WHEREAS**, the City Council has not adopted stormwater standards that are specific to multi-family development in the watershed; and

**WHEREAS**, on December 4, 2023 and for these reasons the City Council adopted a moratorium on accepting development applications for new units in the four Silver Beach multi-family zones which is set to expire on July 10, 2024; and

**WHEREAS**, the City Council provided direction to City staff to initiate a Type VI legislative process to amend the Silver Beach Neighborhood Plan and the Lake Whatcom Reservoir Regulatory Chapter, BMC 16.80 to ensure that any future development in the four multi-family zones of the Silver Beach Neighborhood is as at least as protective as the standards for single-family development in the watershed and added this legislative change to the annual review docket; and

**WHEREAS**, the responsible official reviewed the proposed comprehensive plan and development regulation amendments under the procedures of the SEPA, and a non-project Determination of Non-Significance was issued on February 23, 2024; and

**WHEREAS**, after notice was posted, mailed, and published as required by BMC 21.10, the Planning Commission held a public hearing on the proposed comprehensive plan and development regulation amendments on March 21, 2024; and

**WHEREAS**, on March 21, 2024 the Planning Commission held a public hearing on the proposed amendments and took testimony from City staff and the general public; and

**WHEREAS**, the Planning Commission held a work session on April 11, 2024, and adopted the Findings of Fact, Conclusions and Recommendations by a vote of 6-0 (one member absent); and

**WHEREAS**, the Planning Commission failed to forward a recommendation to the City Council regarding the proposed Comprehensive and Neighborhood Plan amendment and Rezone; and

**WHEREAS**, the City Council held a properly noticed public hearing on the proposed Comprehensive and Neighborhood Plan amendments and Rezone on May 20, 2024; and

**WHEREAS**, the City Council considered the staff memorandum, the materials provided to the Planning Commission and the public comment received and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission; and

**WHEREAS**, the City Council finds that the proposed Comprehensive and Neighborhood Plan amendments and Rezone for the multi-family areas in the Silver Beach Neighborhood are consistent with the 2016 Bellingham Comprehensive Plan and that these amendments will protect the water quality of Lake Whatcom.

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

**Section 1.** The Silver Beach Neighborhood Comprehensive Plan Map is hereby amended as shown in EXHIBIT A.

**Section 2.** The Silver Beach Neighborhood Plan is hereby amended as follows:

Area 8 Land Use Designation: Multifamily Residential, ~~High~~ Low Density

Area 9 Land Use Designation: Multifamily Residential, ~~High~~ Low Density

Area 13 Land Use Designation: Multifamily Residential, ~~High~~ Low Density

Area 18 Land Use Designation: Multifamily Residential, ~~Medium~~ Low Density

**Section 3.** BMC 20.04.050 D regarding Development Contract Districts shall be amended as follows:

D. The following land use ordinances shall remain in full force and effect and shall constitute the total zoning restrictions for the subject property:

1. *Development Contract Districts.*

~~a. No. 1 – Ord. [7830](#) (Old Mill Village) as amended by Ord. [8934](#).~~

~~a.~~ ~~b.~~ No. 2 – Ord. [8199](#) (Sunset Center).

~~b.~~ ~~c.~~ No. 3 – Ord. [8772](#) (Lakeview Retirement).

~~c.~~ ~~d.~~ No. 4 – Ord. [8838](#) (Whatcom Falls) as amended by Ord. [8956](#).

~~d.~~ ~~e.~~ No. 5 – Ord. [8842](#) (Parkway Village).

~~e.~~ ~~f.~~ No. 6 – Ord. [9003](#) (Valley Court).

~~f.~~ ~~g.~~ No. 7 – Ord. [9072](#) (Valley View).

~~g.~~ ~~h.~~ No. 8 – Ord. [9118](#) (Fir St.).

[No Further Changes]

**Section 4.** The Silver Beach Neighborhood zoning table in BMC 20.00.170 shall be amended as follows:

Area	Zoning	Use Qualifier	Density	Special Conditions
	Prerequisite	Considerations	Special Regulations	
8	Residential Multi	Multiple (Ord. 8709)	<del>High</del> <u>Low</u>	Shoreline; parking; access to Northshore Drive. <u>The total unit count may be increased beyond the low-density maximum up to the medium density maximum subject to adoption of a development agreement that provides additional public benefit beyond</u>

9	Residential Multi	Multiple (Ord 8772)	High <u>Low</u>	<p><u>what is required under development regulations, including enhanced protection of water quality.</u></p> <p>Limited Access to Alabama And Electric; clearing; Shoreline; bike trail.  <u>The total unit count may be increased beyond the low-density maximum up to the medium density maximum subject to adoption of a development agreement that provides additional public benefit beyond what is required under development regulations, including enhanced protection of water quality.</u></p>
13	Residential Multi	Planned (Ord. 7830 8934)	High <u>Low</u>	<p>Shoreline; access to North Shore Drive; buffer single-family areas.  <u>The total unit count may be increased beyond the low-density maximum up to the medium density maximum subject to adoption of a development agreement that provides additional public benefit beyond what is required under development regulations, including enhanced protection of water quality.</u></p>
18	Residential Multi	Planned (no manufactured housing park)	Medium <u>Low</u>	<p>One site plan for all lots; clearing; buffer; minimize access to Burns Way; provide access to open Space; townhouse development with no more than six living units in any single structure.  <u>The total unit count may be increased beyond the low-density maximum up to the medium density maximum subject to adoption of a development agreement that provides</u></p>

additional public benefit beyond what is required under development regulations, including enhanced protection of water quality.

(No changes to the "Prerequisite Considerations" and "Special Regulations" columns)

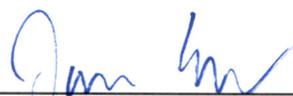
**PASSED** by the Council this 17th day of June, 2024.

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

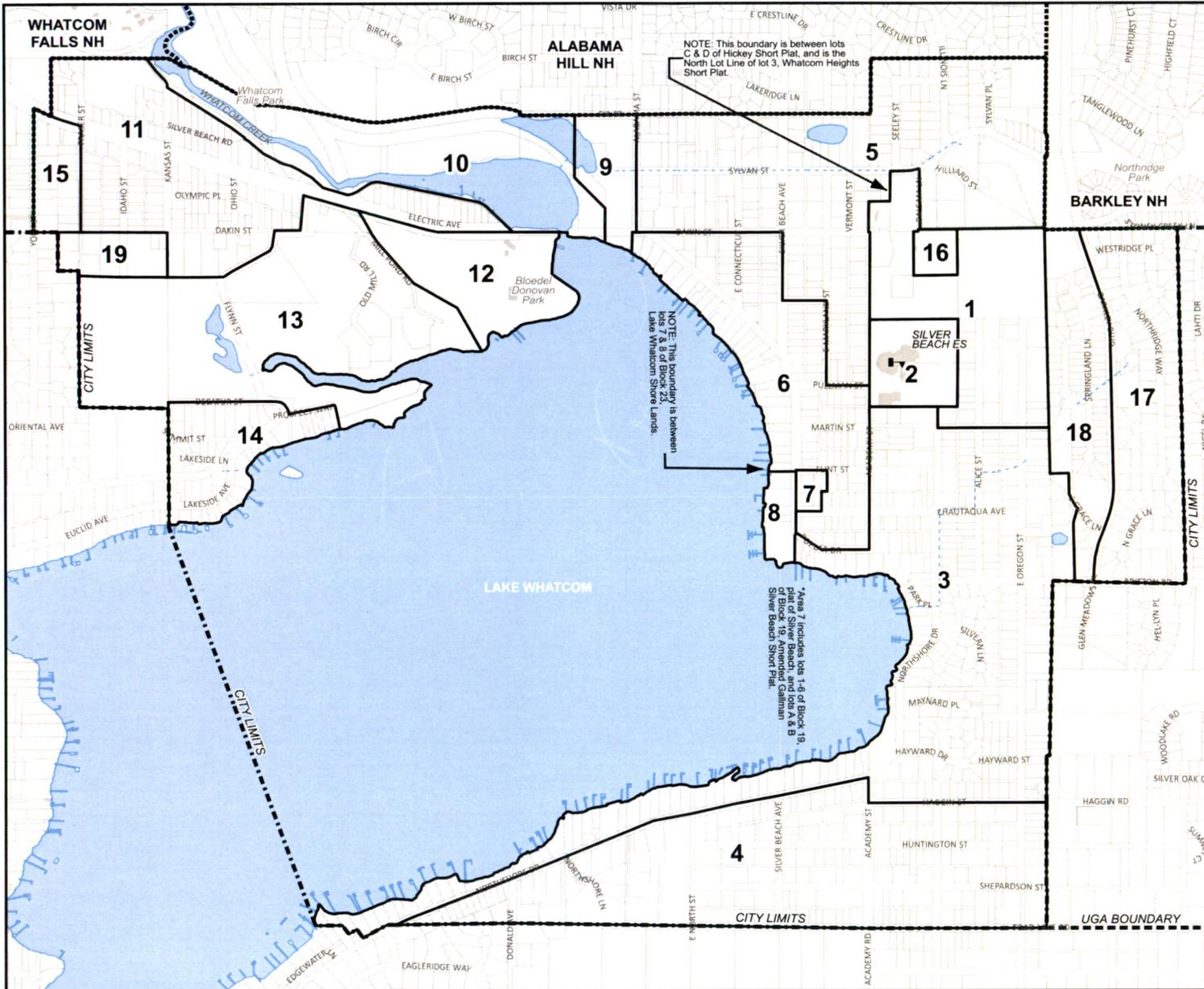
**APPROVED** by me this 21<sup>st</sup> day of June, 2024.

  
\_\_\_\_\_  
Mayor

**ATTEST:**   
\_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Office of the City Attorney

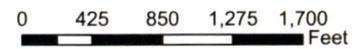
**PUBLISHED:**  
June 21, 2024



# SILVER BEACH NEIGHBORHOOD LAND USE

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Single Family Res., Low Density
2	Public
3	Single Family Res., Med. Density
4	Single Family Res., Low Density
5	Single Family Res., Low Density
6	Single Family Res., Med. Density
7	Commercial
8	Multi-Family Res., Low Density
9	Multi-Family Res., Low Density
10	Public
11	Single Family Res., Med. Density
12	Public
13	Multi-Family Res., Low Density
14	Single Family Res., Med. Density
15	Single Family Res., Low Density
16	Public
17	Single Family Res., Low Density
18	Multi-Family Res., Low Density
19	Single Family Res., Low Density

## Exhibit A



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