



City Council Agenda Bill

20187

Bill Number

Subject: Consideration of amendments to the BMC to clarify the density bonus provisions currently allowed for multi-family developments in portions of the King Mountain Neighborhood.

Summary Statement: In Areas 8, 9, 10, and 13, of the King Mountain Neighborhood the code currently allows density bonuses for cluster subdivision and planned development proposals. The King Mountain Neighborhood Zoning Table cites cluster bonus provisions in BMC 18.32 as a density bonus option, however with the exception of Transfer or Purchase of Development Rights, it is not clear what process is used to grant density bonuses. The proposed code amendments clarify the process/standards and add the existing cluster bonus provisions (with minor changes) to the planned chapter in Title 20. The Planning Commission held a public hearing on October 17, 2013, and voted 6-0 to recommend approval of the amendments.

Previous Council Action: Adoption of annexation ordinances 2008-12-106 and 2009-08-54, which cited density bonus options.

Fiscal Impact: None, amendments included as part of the 2012-13 work program for PCD. Future savings will be realized in staff time by providing clear and consistent code development standards to customers.

Funding Source: General fund for staff time

- Attachments:**
- A- Draft Ordinance
 - B- Planning Commission staff report
 - C- Planning Commission Findings of Fact, Conclusions and Recommendations
 - D- Comprehensive Plan Goals and Policies
 - E- Planning Commission meeting minutes
- Public Hearing Notice
No written comment was received by City Council.

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Public Hearing Council Vote Requested	18-Nov-2013	Pass Ordinance	Kurt Nabbefeld, Senior Planner	10 min

Council Committee:

Agenda Bill Contact:

Moshe Quinn, Planner II

Committee Actions:

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	<i>JT</i>	10-28-2013
K. Nabbefeld, Senior Planner	<i>KN</i>	10-28-13

Legal
Mayor

AAAM
KL 10/29/13
10.5.13

Council Action:

ORDINANCE NO. _____

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.38.050 B. 3. DENSITY AND BMC 20.00.095 KING MOUNTAIN NEIGHBORHOOD TABLE OF ZONING REGULATIONS CLARIFYING AND ADDING DENSITY BONUS PROVISIONS FOR MULTI-FAMILY PLANNED DEVELOPMENTS.

WHEREAS, the BMC currently allows density bonuses for cluster subdivisions and multi-family planned development proposals located within Areas 8, 9, 10, and 13 of the King Mountain Neighborhood; and

WHEREAS, the proposed code amendments are necessary to clarify the density bonus provisions and process for multi-family planned development proposals reviewed under BMC 20.38 and referenced in BMC 20.00 Zoning Tables; and

WHEREAS, the proposed code amendments will provide clear and concise development standards that will improve usability for citizens, professionals, and staff; and

WHEREAS, the proposal promotes the efficient use of land and provides incentives to encourage higher multi-family densities by providing feature(s) that benefit the public; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and an Adoption of Existing Environmental Document was issued by the City of Bellingham on September 30, 2013; and

WHEREAS, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed code amendments was sent to the Washington State Department of Commerce on September 27, 2013; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed code amendments on October 17, 2013; and

WHEREAS, the Planning Commission determined that the proposed amendments comply with and will implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions and a Recommendation for approval of the proposed amendments by a unanimous 6-0 vote; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendments on November 18, 2013; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopt the Findings of Fact and Conclusions of the Planning Commission.

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2 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**
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4 **Section 1.** Bellingham Municipal Code, Section 20.38.050 B. 3. concerning density is
5 hereby amended as follows:
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7 **B. Planned Residential.**

8 1. through 2. [No change]
9

10 3. Density.

11 a. For planned projects within a residential general use type, the maximum number of
12 units possible shall be determined by dividing ~~multiply~~ the size of the subject
13 property by the area density designated in the applicable subarea of the zoning
14 table pursuant to BMC 20.00 neighborhood plan. This resulting figure represents
15 the maximum number of units possible and cannot be exceeded without obtaining
16 a density bonus or having the density designation of the area changed by City
17 Council. Partial units shall not be counted as a full unit. For example, a figure of
18 34.3 units possible shall result in a maximum of 34 units allowable.

19 b. For planned projects within a residential general use type which have no density
20 specified in BMC 20.00 Zoning Tables ~~the neighborhood plan~~, the number of
21 allowable units shall be determined by the planning dDirector and specified within
22 the final decision.

23 c. Density Bonus. As stipulated in BMC 20.00 Zoning Tables, a density bonus may
24 be obtained for a multifamily development proposal that has not previously been
25 granted a density bonus under a different development proposal. A density bonus
26 shall not establish a density greater than the maximum specified density of the
27 applicable subarea.

28 A decision to allow a density bonus shall be based on the benefit and quality of
29 the features offered to obtain a bonus and determined to provide project elements
30 that are in addition to the minimum development aspects listed in BMC 20.38.040
31 B. and BMC 20.38.050. The Director may impose conditions to ensure that an
32 approved bonus results in a public benefit.

33 A density bonus may be obtained up to the amounts listed below:

34 i. Up to a 50 percent bonus for the purchase and transfer of all or part of the
35 development rights of a parcel identified as meeting any of the following
36 criteria:

37 (A) A parcel, tract or land area declared as a suitable density donor by City
38 Council resolution.

39 (B) A parcel with a valid planned development permit which provides for a
40 development right transfer.

41 (C) A parcel previously zoned for residential uses that, due to the adoption
42 of subsequent governmental regulations and as determined by City

1 Council resolution, is unlikely to achieve even 50 percent of the original
2 allowable density, resulting in the loss of the city's potential infill
3 capacity.

4 ii. Up to a 50 percent bonus when a project is able to provide at least one-half of
5 the total unit count of the project as affordable housing, as defined by the City
6 Council resolution, inclusive of a provision to maintain said housing as such
7 for a reasonable duration determined by City Council.

8 iii. Up to a 50 percent bonus for the redevelopment of an area considered in need
9 of revitalization as declared by City Council resolution.

10 iv. Up to a 25 percent bonus for the development of a neighborhood park and
11 related improvements identified in the Comprehensive Plan or that satisfies
12 the needs of the immediate neighborhood as determined by the Director.

13 v. Up to a 15 percent bonus for providing at least 15 percent additional open
14 space that is not otherwise restricted from development by environmental
15 regulations.

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17 vi. Up to a 15 percent bonus for restoring a degraded natural area that would not
18 otherwise require restoration or enhancement through a planned development
19 or critical areas permit, which would provide significant public enjoyment if
20 enhanced.

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22 vii. Up to a 10 percent bonus for providing enhanced perimeter buffering of
23 adjacent, less compatible uses.

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25 4. through 15. [No change]

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28 **Section 2.** Bellingham Municipal Code, Section 20.00.095 King Mountain Neighborhood
29 Table of Zoning Regulations for Area 8, 9, 10, and 13 is hereby amended as
30 shown in Exhibit A.

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32 **Section 3.** The Council adopts the Findings of Fact, Conclusions and Recommendations of
33 the Planning Commission dated October 17, 2013, attached as Exhibit B.
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PASSED by the Council this _____ day of _____, 2013.

Council President

APPROVED by me this _____ day of _____, 2013.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
8	Residential Multi	Planned	<p>4,300 sq. ft. per dwelling unit; up to 1,800 sq. ft. per dwelling unit using <u>cluster density bonus provisions in BMC 18.32</u>, adopted city TDR program or the "fee-in-lieu-of" option.</p> <p>Under the fee-in-lieu-of option, a property owner / developer can purchase additional density by paying a fee to the City's Lake Whatcom Watershed Property Acquisition Program (LWWPAP).*</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the City Council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for land use review shall include a letter from the Bellingham Finance Department documenting the amount to be contributed to the LWWPAP.</p>	<p>In addition to arterial streets, provide local pedestrian and vehicular access between adjacent developments.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>Provide public trails as indicated in the North Bellingham Trail plan with connections to existing city trail systems and new residential developments.</p>	<p>Improvement of East Bakerview Rd. to full primary arterial standard.</p> <p>Dedication and improvement of Cammack Rd. to minimum standard or greater prior to development of property using Cammack for access.</p> <p>Dedication and improvement of Prince Ave. as a residential street connecting to Cammack.</p>	<p>*The density bonus may be applied through cluster subdivision or planned development. It may exceed 50% total maximum under BMC 18.32 but density shall not exceed 1,800 sq. ft. per dwelling unit.</p> <p><u>Development may exceed the 50% limitation pursuant to BMC 18.32 provided the overall density does not exceed 1,800 sq.ft. per dwelling unit.</u></p>

BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
9	Residential Multi	Planned	<p>4,300 sq. ft. per dwelling unit; up to 1,800 sq. ft. per dwelling unit using cluster density <u>density bonus provisions in BMC 18.32</u>, adopted city TDR program or the "fee-in-lieu-of" option.</p> <p>Under the fee-in-lieu-of option, a property owner / developer can purchase additional density by paying a fee to the City's Lake Whatcom Watershed Property Acquisition Program (LWWPAP).*</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the City Council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for land use review shall include a letter from the Bellingham Finance Department documenting the amount to be contributed to the LWWPAP.</p>	<p>In addition to arterial streets, provide local pedestrian and vehicular access between adjacent developments.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>Provide public trails as indicated in the North Bellingham Trail plan with connections to existing city trail systems and new residential developments.</p>	<p>Improvement of E. Bakerview Rd. to full primary arterial standard.</p> <p>Improvement of Telegraph Rd. to full collector arterial standard.</p>	<p>*The density bonus may be applied through cluster subdivision or planned development. It may exceed 50% total maximum under BMC 18.32 but density shall not exceed 1,800 sq. ft. per dwelling unit.</p> <p><u>Development may exceed the 50% limitation pursuant to BMC 18.32 provided the overall density does not exceed 1,800 sq.ft. per dwelling unit.</u></p>

BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
10	Residential Multi	Planned	<p>4,300 sq. ft. per dwelling unit; up to 1,800 sq. ft. per dwelling unit using cluster density density bonus provisions in BMC 18.32, adopted city TDR program or the "fee-in-lieu-of" option.</p> <p>Under the fee-in-lieu-of option, a property owner / developer can purchase additional density by paying a fee to the City's Lake Whatcom Watershed Property Acquisition Program (LWWPAP).*</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the City Council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for land use review shall include a letter from the Bellingham Finance Department documenting the amount to be contributed to the LWWPAP.</p>	<p>In addition to arterial streets, provide local pedestrian and vehicular access between adjacent developments.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>Provide public trails as indicated in the North Bellingham Trail plan with connections to existing city trail systems and new residential developments.</p>	<p>Improvement of James Street Rd. to full secondary arterial standard.</p> <p>Improvement of East Bakerview Rd. to full primary arterial standard.</p> <p>Improvement of Telegraph Rd. to full collector arterial standard.</p>	<p>*The density bonus may be applied through cluster subdivision or planned development. It may exceed 50% total maximum under BMC 18.32 or BMC 20.38, but density shall not exceed 1,800 sq. ft. per dwelling unit.</p> <p><u>Development may exceed the 50% limitation pursuant to BMC 18.32 provided the overall density does not exceed 1,800 sq.ft. per dwelling unit.</u></p>

BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
13	Residential Multi	Planned	<p>4,300 sq. ft. per dwelling unit; up to 1,800 sq. ft. per dwelling unit using cluster density bonus provisions in BMC 18.32, adopted City TDR program, or the "fee-in-lieu-of" option whereby a property owner/ developer can purchase additional density by paying a fee to the City's Lake Whatcom Watershed Property Acquisition Program (LWWPAP).*</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the City Council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for planned development shall include a letter from the Bellingham Finance Department documenting the amount to be contributed to the LWWPAP.</p> <p>Lots not created by cluster subdivision: 5,000 sq. ft. minimum density of 7,200 sq. ft. per unit.</p>	<p>Multimodal Transportation Concurrency evaluation required.</p> <p>Traffic study required according to Public Works Design Guidelines.</p> <p>Limit driveway and side street access points on arterial streets. Shared access is encouraged.</p>	<p>Improvement of James Street to full secondary arterial standard. (New alignment from current terminus to Van Wyck/ Thomas Road; ROW dedication and ¼ abutting improvements required.)</p>	<p>*The density bonus may be applied through cluster subdivision or planned development. It may exceed the 50% total maximum under BMC 18.32 but density shall not exceed 1,800 sq. ft. per dwelling unit.</p> <p><u>Development may exceed the 50% limitation pursuant to BMC 18.32 provided the overall density does not exceed 1,800 sq.ft. per dwelling unit.</u></p> <p>A portion of Area 13 is subject to Concomitant Agreement #2009-0459 requiring a master plan and implementing development regulations approved by the</p>

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

OCTOBER 17, 2013

SUMMARY

Following the public hearing and deliberation on the proposed code amendments to Bellingham Municipal Code (BMC) 20.38 Planned Development and BMC 20.00.095 King Mountain Table of Zoning Regulations to clarify the density bonus provisions for multi-family planned development proposals for Areas 8, 9, 10, and 13 of the King Mountain Neighborhood, the Bellingham Planning Commission has determined that the proposed amendments comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan and should be adopted.

I. FINDINGS OF FACT

1. Project Description:

Amendments to the Bellingham Municipal Code (BMC) to clarify the density bonus provisions currently allowed for multi-family proposals reviewed under BMC 20.38 Planned Development and as referenced in BMC 20.00.095 King Mountain Table of Zoning Regulations as shown in Attachment A (Ordinance) of the staff report.

Amendments to the BMC include:

1. Amending BMC 20.38.050 B. 3. Density, adding code update information and density bonus provisions for planned multi-family developments. Generally, the amendment proposal adds the existing cluster bonus provisions found in BMC 18.32.050. Slight modifications are also proposed so the added density bonus provisions correspond to the planned chapter and to reduce possible conflicts with other code sections.
2. Revising BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations for each subarea mentioned above to account for the density bonus provisions being added to BMC 20.38 for planned development proposals.

2. Background Information:

The King Mountain area was annexed into the City in 2009 and a new King Mountain Neighborhood was added to the City's Comprehensive Plan. Prior to annexation, the subject areas were zoned Urban Residential - Medium (URM) Density District in the County, which allowed 10 dwelling units per acre and up to 24 dwelling units per acre with public facilities and the use of Transfer of Development Rights (TDRs). At the time of annexation, the City adopted comparable land use and zoning designations of Multi-family Residential, High Density and Residential Multi, Planned for Areas 8, 9, 10 and 13. The assigned residential density for these areas allowed 4,300 sq. ft. per dwelling unit and up to 1,800 sq. ft. per dwelling unit using cluster bonus provisions outlined in BMC 18.32.050 for a cluster subdivision, planned development, or through the use of TDRs. The Special Regulations in the King Mountain Neighborhood Table of Zoning Regulations specifically states that "The density bonus may be applied through cluster subdivision or planned development." for Areas 8, 9, 10, and 13.

Also in 2009, the City adopted Purchase of Development Rights (PDR) as an alternative density bonus option within annexed TDR receiving zones, whereby additional density could be obtained by paying a fee into the Lake Whatcom Watershed Property Acquisition Program Fund.

On December 13, 2010, the City Council approved modifications to the King Mountain Neighborhood as part of the City's northern boundary review and added 3 subareas from the former Mount Baker Neighborhood. The new subareas added to the King Mountain Neighborhood included Areas 14, 14A, and 15.

The land use development code is not clear what process/standards are used to grant planned multi-family density bonuses. The proposed amendments to BMC 20.38.050 B. 3. clarifies the process/standards to grant a density bonus for multi-family planned development proposals.

3. Public Comment:

As of September 30, 2013 through October 16, 2013 ,no public comment has been received regarding the proposed code amendments.

Notice of the Planning Commission hearing was mailed to neighborhood representatives and associations and other parties with an interest in this topic. The notice was also published the Bellingham Herald. Notices were issued at least 30 days prior to the hearing date.

At the October 17, 2013, Planning Commission public hearing, no public comment was received regarding the proposed code amendments.

4. State Environmental Policy Act (SEPA) Determination if applicable:

An Adoption of Existing Environmental Document was issued by the City of Bellingham on September 30, 2013.

5. Consistency with the Bellingham Comprehensive Plan:

The City's Comprehensive Plan identifies the guiding principles and goals for legislative and administrative decisions regarding improvements to the City's Land Use and Development Code. The proposed code amendments further improve this system and deliver clear and concise development standards, promote the efficient use of land, and provide the options for higher multi-family density when allowed by BMC 20.00 and reviewed under BMC 20.38 Planned Development.

The Comprehensive Plan, identifies nine guiding principles to make changes to the City's regulatory system as identified in Chapter 2 of the Land Use section. Within this section, the principles are outlined in Part 3-Land Use Regulatory System, titled "The New System". The specific principles particularly applicable to the proposed amendments are as follows:

- Ensure development is consistent with the goals and policies in this plan.
- Ensure citizen involvement in land use planning and project review.
- Assure fair and predictable results and avoid unnecessary delays.
- Organize, consolidate and simplify development regulations and permitting procedures.

- Develop a system that is easier and more cost effective to administer.
- Accommodate the use of a number of regulatory tools and processes such as design review, PUDs, site plan review, and transfer of development rights.

Relevant Comprehensive Plan goals and policies are listed in **Attachment C** of the staff report.

II. CONCLUSIONS:

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

1. Minor, editorial code changes to the zoning code should be made for clarity.
2. As permitted by BMC 20.00 Zoning Tables, the proposed code amendments are necessary to clarify the process in which density bonuses for multi-family proposals reviewed under BMC 20.38 are granted.
3. The proposed code amendments will provide clear and concise development standards that will improve usability for citizens, professionals, and staff.
4. The proposed code amendments improve the land use development code, and provide incentives for increased multi-family densities by providing feature(s) that benefit the public.
5. The proposed code amendments are consistent with and implement the goals and policies of the Bellingham Comprehensive Plan, as referenced in **Attachment C** of the staff report.

III. RECOMMENDATIONS:

Based on the findings and conclusion, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the BMC 20.38.050 B. 3. Density and BMC 20.00.095 King Mountain Table of Zoning Regulations with the modifications incorporated in **Attachment A** (Ordinance) to the staff report.


ADOPTED this 17TH day of October, 2013.



 Planning Commission Chairperson

ATTEST: 

 Recording Secretary

APPROVED AS TO FORM:


 City Attorney

CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	Amendments to the Bellingham Municipal Code (BMC) to clarify the density bonus provisions currently allowed for multi-family proposals reviewed under BMC 20.38 Planned Development and as referenced in BMC 20.00.095 King Mountain Table of Zoning Regulations.
For:	October 17, 2013 - Planning Commission Public Hearing
Staff Contact:	Moshe Quinn, Planner II Kathy Bell, Planner II

I. SUMMARY OF PROPOSAL:

The purpose of this proposal is to amend BMC 20.38.050 B. 3. Density and BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations to clarify the density bonus provisions for multi-family planned development proposals for Areas 8, 9, 10, and 13 of the King Mountain Neighborhood.

Amendments to the BMC include:

1. Amending BMC 20.38.050 B. 3. Density, adding code update information and density bonus provisions for planned multi-family developments. Generally, the amendment proposal adds the existing cluster bonus provisions found in BMC 18.32.050. Slight modifications are also proposed so the added density bonus provisions correspond to the planned chapter and to reduce possible conflicts with other code sections.
2. Revising BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations for each subarea mentioned above to account for the density bonus provisions being added to BMC 20.38 for planned development proposals.

Section V of this staff report shows the existing provisions found in BMC 20.38.050 B. 3. and 18.32.050 with the proposed changes mentioned above. Amendments to the BMC 20.38.050 B. 3. and 20.00.095 are shown in legislative format in the draft ordinance **Attachment A.**

II. PLANNING COMMISSION ROLE:

The role of the Planning Commission is to make a recommendation on this proposal to the City Council. This proposal is a legislative development code amendment requiring a Type VI process. The Planning Commission must hold a public hearing and issue findings of fact and conclusions along with a recommendation to the City Council. Draft findings and conclusions are included in the staff report **Attachment B.** The Commission should adopt or modify the draft findings as needed to support the Commission's recommendation.

1 **III. BACKGROUND:**

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3 The King Mountain area was annexed into the City in 2009 and a new King Mountain
4 Neighborhood was added to the City's Comprehensive Plan. Prior to annexation, the
5 subject areas were zoned Urban Residential - Medium (URM) Density District in the County,
6 which allowed 10 dwelling units per acre and up to 24 dwelling units per acre with public
7 facilities and the use of Transfer of Development Rights (TDRs). At the time of annexation,
8 the City adopted comparable land use and zoning designations of Multi-family Residential,
9 High Density and Residential Multi, Planned for Areas 8, 9, 10 and 13. The assigned
10 residential density for these areas allowed 4,300 sq. ft. per dwelling unit and up to 1,800 sq.
11 ft. per dwelling unit using cluster bonus provisions outlined in BMC 18.32.050 for a cluster
12 subdivision, planned development, or through the use of TDRs. The Special Regulations in
13 the King Mountain Neighborhood Table of Zoning Regulations specifically states that "The
14 density bonus may be applied through cluster subdivision or planned development." for
15 Areas 8, 9, 10, and 13.

16
17 Also in 2009, the City adopted Purchase of Development Rights (PDR) as an alternative
18 density bonus option within annexed TDR receiving zones, whereby additional density could
19 be obtained by paying a fee into the Lake Whatcom Watershed Property Acquisition
20 Program Fund.

21
22 On December 13, 2010, the City Council approved modifications to the King Mountain
23 Neighborhood as part of the City's northern boundary review and added 3 subareas from
24 the former Mount Baker Neighborhood. The new subareas added to the King Mountain
25 Neighborhood included Areas 14, 14A, and 15.

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27 **IV. ISSUE:**

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29 As previously mentioned, in Areas 8, 9, 10, and 13, of the King Mountain Neighborhood the
30 code currently allows density bonuses for cluster subdivision and planned development
31 proposals. Bellingham Municipal Code 20.00.095 King Mountain Zoning Table cites cluster
32 bonus provisions in BMC 18.32 for cluster subdivisions as a density bonus option, however
33 with the exception of TDRs and PDRs, it is not clear what process/standards are used to
34 grant planned multi-family density bonuses. The proposed amendments to BMC 20.38.050
35 B. 3. clarifies and adds the process/standards to grant a density bonus for multi-family
36 planned development proposals.

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38 **V. ANALYSIS:**

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40 When the density bonus provisions for the subject areas were originally developed, it was
41 intended for property owners to have the option to utilize the cluster subdivision bonus
42 provisions, however, the density category in the zoning table only referenced cluster
43 bonuses in relation to a cluster subdivision or the use of TDRs/PDRs to increase residential
44 density. Therefore, in order to clarify the process and provide clarity on what density bonus
45 provisions may be utilized for multi-family planned proposals and to limit confusion for staff
46 and the public, staff is proposing to add the cluster bonus provisions from BMC 18.32.050 to
47 BMC 20.38.050 B. 3. Minor changes are also proposed so that the added density bonus
48 provisions:

- correspond to the planned chapter;
- relate to multi-family development; and
- reduce code conflicts applying a density bonus option that would not otherwise be required by another code section, such as enhancement or open space areas required by a Critical Areas permit.

Cluster Bonus provisions from BMC 18.32.050 with the added changes to be included in BMC 20.38.050 B. 3. (Also, see Attachment A of the draft ordinance for the legislative version.)

Bellingham Municipal Code 20.38.050 Standards

B. Planned Residential

3. Density.

- a. For planned projects within a residential general use type, the maximum number of units possible shall be determined by dividing ~~multiply~~ the size of the subject property by the area density designated in the applicable subarea of the zoning table pursuant to BMC 20.00 ~~neighborhood plan~~. This resulting figure represents the maximum number of units possible and cannot be exceeded without obtaining a density bonus or having the density designation of the area changed by City Council. Partial units shall not be counted as a full unit. For example, a figure of 34.3 units possible shall result in a maximum of 34 units allowable.
- b. For planned projects within a residential general use type which have no density specified in BMC 20.00 Zoning Table ~~the neighborhood plan~~, the number of allowable units shall be determined by the planning Director ~~and~~ and specified within the final decision.
- c. Density Bonus. As stipulated in BMC 20.00 Zoning Tables, a density bonus may be obtained for a multifamily development proposal that has not previously been granted a density bonus under a different development proposal. A density bonus shall not establish a density greater than the maximum specified density of the applicable subarea.

A decision to allow a density bonus shall be based on the benefit and quality of the features offered to obtain a bonus and determined to provide project elements that are in addition to the minimum development aspects listed in BMC 20.38.040 B. and BMC 20.38.050. The Director may impose conditions to ensure that an approved bonus results in a public benefit.

A density bonus may be obtained up to the amounts listed below:

- i. A. Up to a 50 percent bonus for the purchase and transfer of all or part of the development rights of a parcel identified as meeting any of the following criteria:

1 (A) 4. A parcel, tract or land area declared as a suitable density donor by
2 eCity eCouncil resolution.

3 (B) 2. A parcel with a valid planned development ~~permitted~~ contract which
4 provides for a development right transfer.

5 (C) 3. A parcel previously zoned for residential uses that, due to the adoption
6 of subsequent governmental regulations and as determined by eCity
7 eCouncil resolution, is unlikely to achieve even 50 percent of the
8 original allowable density, resulting in the loss of the city's potential infill
9 capacity.
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11 ii. B. Up to a 50 percent bonus when a project is able to provide at least one-half of
12 the total unit count of the project as affordable housing, as defined by the
13 eCity eCouncil resolution, inclusive of a provision to maintain said housing as
14 such for a reasonable duration determined by eCity eCouncil.

15 iii. G. Up to a 50 percent bonus for the redevelopment of an area considered in
16 need of revitalization as declared by eCity eCouncil resolution.

17 iv. D. Up to a 25 percent bonus for the development of a neighborhood park and
18 related improvements identified in the Comprehensive Plan or that satisfies
19 the needs of the immediate neighborhood as determined by the parks and
20 recreation department Director ~~except when approval of the city council is~~
21 ~~required.~~

22 v. E. Up to a 15 percent bonus for providing at least 15 percent additional open
23 space that is not otherwise restricted from development by environmental
24 regulations.

25 vi. F. Up to a 15 percent bonus for restoring a degraded natural area that would
26 not otherwise require restoration or enhancement through a planned
27 development or critical areas permit, which would provide significant public
28 enjoyment if enhanced.

29 vii. G. Up to a 10 percent bonus for providing enhanced perimeter buffering of
30 adjacent, less compatible uses, ~~the hearing examiner determines would~~
31 ~~make a cluster subdivision a more compatible neighbor. [Ord. 2002-10-069~~
32 ~~§ 37; Ord. 10833 § 1, 1997].~~
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34 See **Attachment A** for the proposed amendments to BMC 20.00.095 King Mountain
35 Neighborhood Table of Zoning Regulations for Areas 8, 9, 10, and 13.
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37 **VI. COMPREHENSIVE PLAN GOALS AND POLICIES:**

38
39 The City's Comprehensive Plan identifies the guiding principles and goals for legislative and
40 administrative decisions regarding improvements to the City's Land Use and Development
41 Code. The proposed code amendments further improve this system and deliver clear and
42 concise development standards, promote the efficient use of land, and provide density

1 bonus options for higher multi-family density when allowed by BMC 20.00 and reviewed
2 under BMC 20.38 Planned Development.

3
4 The Comprehensive Plan, identifies nine guiding principles to make changes to the City's
5 regulatory system as identified in Chapter 2 of the Land Use section. Within this section,
6 the principles are outlined in Part 3-Land Use Regulatory System, titled "The New System".
7 The specific principles particularly applicable to the proposed amendments are as follows:
8

- 9 • Ensure development is consistent with the goals and policies in this plan.
- 10 • Ensure citizen involvement in land use planning and project review.
- 11 • Assure fair and predictable results and avoid unnecessary delays.
- 12 • Organize, consolidate and simplify development regulations and permitting
13 procedures.
- 14 • Develop a system that is easier and more cost effective to administer.
- 15 • Accommodate the use of a number of regulatory tools and processes such as
16 design review, PUDs, site plan review, and transfer of development rights.
- 17

18 Relevant Comprehensive Plan goals and policies are listed in **Attachment C**.

19
20 **VII. PUBLIC COMMENT:**

21
22 As of September 30, 2013, no public comment has been received regarding the proposed
23 code amendments.

24
25 Notice of the Planning Commission hearing was mailed to neighborhood representatives
26 and associations and other parties with an interest in this topic. The notice was also
27 published in the Bellingham Herald. Notices were issued at least 30 days prior to the
28 hearing date.

29
30 **VIII. STATE ENVIRONMENTAL POLICY ACT (SEPA):**

31
32 An Adoption of Existing Environmental Document was issued by the City of Bellingham on
33 September 30, 2013.

34
35 **IX. STAFF RECOMMENDATIONS:**

36
37 Staff hereby recommends approval of the proposed amendments to the Bellingham
38 Municipal Code as shown in **Attachment A**. *[Removed see Ordinance in the City Council*
39 *packet]*

40
41 **X. LIST OF ATTACHMENTS:**

- 42
- 43 ~~A. Draft Ordinance~~
- 44 ~~B. Draft Findings of Fact, Conclusions and Recommendations~~
- 45 ~~C. Comprehensive Plan Goals and Policies~~
- 46

47 *[see Attachments in the City Council packet]*

48

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

OCTOBER 17, 2013

SUMMARY

Following the public hearing and deliberation on the proposed code amendments to Bellingham Municipal Code (BMC) 20.38 Planned Development and BMC 20.00.095 King Mountain Table of Zoning Regulations to clarify the density bonus provisions for multi-family planned development proposals for Areas 8, 9, 10, and 13 of the King Mountain Neighborhood, the Bellingham Planning Commission has determined that the proposed amendments comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan and should be adopted.

I. FINDINGS OF FACT

1. Project Description:

Amendments to the Bellingham Municipal Code (BMC) to clarify the density bonus provisions currently allowed for multi-family proposals reviewed under BMC 20.38 Planned Development and as referenced in BMC 20.00.095 King Mountain Table of Zoning Regulations as shown in Attachment A (Ordinance) of the staff report.

Amendments to the BMC include:

1. Amending BMC 20.38.050 B. 3. Density, adding code update information and density bonus provisions for planned multi-family developments. Generally, the amendment proposal adds the existing cluster bonus provisions found in BMC 18.32.050. Slight modifications are also proposed so the added density bonus provisions correspond to the planned chapter and to reduce possible conflicts with other code sections.
2. Revising BMC 20.00.095 King Mountain Neighborhood Table of Zoning Regulations for each subarea mentioned above to account for the density bonus provisions being added to BMC 20.38 for planned development proposals.

2. Background Information:

The King Mountain area was annexed into the City in 2009 and a new King Mountain Neighborhood was added to the City's Comprehensive Plan. Prior to annexation, the subject areas were zoned Urban Residential - Medium (URM) Density District in the County, which allowed 10 dwelling units per acre and up to 24 dwelling units per acre with public facilities and the use of Transfer of Development Rights (TDRs). At the time of annexation, the City adopted comparable land use and zoning designations of Multi-family Residential, High Density and Residential Multi, Planned for Areas 8, 9, 10 and 13. The assigned residential density for these areas allowed 4,300 sq. ft. per dwelling unit and up to 1,800 sq. ft. per dwelling unit using cluster bonus provisions outlined in BMC 18.32.050 for a cluster subdivision, planned development, or through the use of TDRs. The Special Regulations in the King Mountain Neighborhood Table of Zoning Regulations specifically states that "The density bonus may be applied through cluster subdivision or planned development." for Areas 8, 9, 10, and 13.

Also in 2009, the City adopted Purchase of Development Rights (PDR) as an alternative density bonus option within annexed TDR receiving zones, whereby additional density could be obtained by paying a fee into the Lake Whatcom Watershed Property Acquisition Program Fund.

On December 13, 2010, the City Council approved modifications to the King Mountain Neighborhood as part of the City's northern boundary review and added 3 subareas from the former Mount Baker Neighborhood. The new subareas added to the King Mountain Neighborhood included Areas 14, 14A, and 15.

The land use development code is not clear what process/standards are used to grant planned multi-family density bonuses. The proposed amendments to BMC 20.38.050 B. 3. clarifies the process/standards to grant a density bonus for multi-family planned development proposals.

3. Public Comment:

As of September 30, 2013 through October 16, 2013 ,no public comment has been received regarding the proposed code amendments.

Notice of the Planning Commission hearing was mailed to neighborhood representatives and associations and other parties with an interest in this topic. The notice was also published the Bellingham Herald. Notices were issued at least 30 days prior to the hearing date.

At the October 17, 2013, Planning Commission public hearing, no public comment was received regarding the proposed code amendments.

4. State Environmental Policy Act (SEPA) Determination if applicable:

An Adoption of Existing Environmental Document was issued by the City of Bellingham on September 30, 2013.

5. Consistency with the Bellingham Comprehensive Plan:

The City's Comprehensive Plan identifies the guiding principles and goals for legislative and administrative decisions regarding improvements to the City's Land Use and Development Code. The proposed code amendments further improve this system and deliver clear and concise development standards, promote the efficient use of land, and provide the options for higher multi-family density when allowed by BMC 20.00 and reviewed under BMC 20.38 Planned Development.

The Comprehensive Plan, identifies nine guiding principles to make changes to the City's regulatory system as identified in Chapter 2 of the Land Use section. Within this section, the principles are outlined in Part 3-Land Use Regulatory System, titled "The New System". The specific principles particularly applicable to the proposed amendments are as follows:

- Ensure development is consistent with the goals and policies in this plan.
- Ensure citizen involvement in land use planning and project review.
- Assure fair and predictable results and avoid unnecessary delays.
- Organize, consolidate and simplify development regulations and permitting procedures.

- Develop a system that is easier and more cost effective to administer.
- Accommodate the use of a number of regulatory tools and processes such as design review, PUDs, site plan review, and transfer of development rights.

Relevant Comprehensive Plan goals and policies are listed in **Attachment C** of the staff report.

II. CONCLUSIONS:

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

1. Minor, editorial code changes to the zoning code should be made for clarity.
2. As permitted by BMC 20.00 Zoning Tables, the proposed code amendments are necessary to clarify the process in which density bonuses for multi-family proposals reviewed under BMC 20.38 are granted.
3. The proposed code amendments will provide clear and concise development standards that will improve usability for citizens, professionals, and staff.
4. The proposed code amendments improve the land use development code, and provide incentives for increased multi-family densities by providing feature(s) that benefit the public.
5. The proposed code amendments are consistent with and implement the goals and policies of the Bellingham Comprehensive Plan, as referenced in **Attachment C** of the staff report.

III. RECOMMENDATIONS:

Based on the findings and conclusion, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the BMC 20.38.050 B. 3. Density and BMC 20.00.095 King Mountain Table of Zoning Regulations with the modifications incorporated in **Attachment A** (Ordinance) to the staff report.

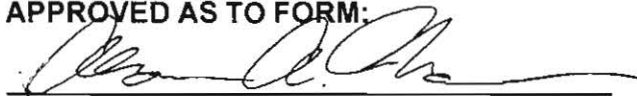
ADOPTED this 17TH day of October, 2013.



 Planning Commission Chairperson

ATTEST: 

 Recording Secretary

APPROVED AS TO FORM:


 City Attorney

BELLINGHAM COMPREHENSIVE PLAN

PART 9 - LAND USE POLICIES

A. Framework Land Use Policies

FLU-1 It is the City's overall goal to preserve and protect the unique character and qualities of the existing neighborhoods. All policies, proposed development code and zoning changes should be reviewed with this goal in mind.

FLU-2 Bellingham's land use pattern should accommodate carefully planned levels of development that promotes efficient use of land, reduces sprawl, encourages alternative modes of transportation, safeguards the environment, promotes healthy neighborhoods, protects existing neighborhood character, and maintains Bellingham's sense of community.

FLU-11 Plan to accommodate a 2022 population of 113,055 people and an employment base that includes 27,000 new jobs.

FLU-12 Encourage active participation by all Bellingham residents in planning for the future.

Part 9-Land Use Policies; Subsection E, Residential Development Policies, further supports the proposed amendments by providing guidance under the following policy:

LU-35 Develop clear land use and environmental permitting procedures which provide a balance between accommodating development and protecting the public health, safety and welfare.

LU-37 Residential density bonuses may be considered in instances such as planned unit developments, that combine excellence in design with housing affordability, purchase or transfer of development rights, or other community objective.

LU-41 Create incentives that encourage the inclusion of more open space in multi-family developments. Revise existing regulations to require better design, more functional open space in multifamily developments.

Policy Section K, General Land Use

LU - 99 Development regulations, including the allowed density and intensity, should provide for and encourage the efficient use of land.

LU - 100 Infill developments that are sized and designed to fit their surroundings are encouraged.

LU - 102 New urban development should be allowed only where the full range of urban facilities and services exists or can be provided.

PART 7: HOUSING VISIONS (HV) AND GOALS (HG)

HV-1 Bellingham's regulations encourage and provide incentives for innovative housing and mixtures of housing types that preserve natural resources and consolidate open space.

HV-2 Increased housing density and infill exists in the downtown area and in other parts of the community which are appropriate for small lots or higher density housing, reflecting a variety of housing costs.

HV-3 Density bonuses for well-designed housing that complements existing neighborhood integrity supplement new opportunities for duplex or triplex options, subject to design review standards and neighborhood input.

HG-4 Consider minimum density requirements for residential zones, and commercial zones where residential development is allowed, to preserve future capacity for affordable housing opportunities.

HG-9 Enact clear land use and development procedures for the development of housing while ensuring that the public welfare is protected.

HP-13 Encourage a balanced distribution of affordable housing throughout the city.

Land Use and Design

HP-20 Encourage infill development on land which remains vacant or underutilized, in otherwise built-up areas.

HP-21 Ensure the availability of lot sizes that are small enough to be cost effective for developers and affordable for potential homeowners.

HP-22 Increase open space requirements for multi-family, high density development, either on site or in public park space.

HP-23 Promote new high density residential development within or near Urban Villages.

HP-26 Provide a variety of densities to encourage a range of housing types to meet the needs of different household types and sizes.

Public and Private Support

HP-39 Encourage greater involvement of public and private sectors to increase and preserve the stock of affordable housing.

HP-42 Encourage builders and developers to build for a range of income levels and housing preferences within projects

**RECORD OF PROCEEDINGS OF THE PLANNING COMMISSION
CITY OF BELLINGHAM, WASHINGTON
PUBLIC HEARING**

THURSDAY
October 17, 2013
Video-taped & Audio-recorded

7:00 P.M.
CITY COUNCIL CHAMBERS
www.cob.org

CALL TO ORDER:

The meeting was called to order by Tom Grinstad, Chairman of the Planning Commission.

ROLL CALL:

Tom Grinstad, Jeff Brown, Danne Neill, Garrett O'Brien, Ali Taysi, Phyllis McKee and Steve Crooks

Present: Tom Grinstad, Jeff Brown, Danne Neill, Garrett O'Brien, Ali Taysi and Steve Crooks

Absent: Phyllis McKee

Staff Present: Lisa Pool, *Senior Planner*; Lindsay Kershner, *Planner I*; Kathy Bell, *Planner II*; and Heather Aven, *Recording Secretary*.

Applicants:

APPROVAL OF MINUTES:

The minutes from October 10, 2013 were submitted to the Commission for approval.

**MOTION: Danne Neill moved to approve the minutes from October 10, 2013 as amended.
SECONDED. VOTE: 5-0-1 (Motion Passes – BROWN ABSTAINED)**

15 MINUTE PUBLIC COMMENT PERIOD:

No testimony given.

PUBLIC HEARING #1:

Adding new narratives to the neighborhood plans and amend the Comprehensive Plan Land Use Designation maps for the following neighborhoods: Cordata Neighborhood, Area 17A; Happy Valley Neighborhood, Area 5A; and Samish Neighborhood, Area 5A. City Council previously approved rezones in these areas and the neighborhood plans and Comprehensive Plan Land Use Designation maps were never amended to reflect the changes.

STAFF PRESENTATION

Lindsay Kershner explained that the proposed amendments are simply minor clean-ups of previously approved rezones that were never reflected in the Comprehensive Plan. She noted that the proposed amendments would add narratives to three neighborhood plans (Cordata Neighborhood, Area 17A; Happy Valley Neighborhood, Area 5A; and Samish Neighborhood, Area 5A.), as well as, the associated land use designation maps. She pointed out that the decision criteria applicable in this situation is: an error, omission or inconsistency in the Comprehensive Plan or Neighborhood Plan provisions exists. She stated that it is staff's opinion that the proposed amendments meet the decision criteria, given that they will ensure consistency between the development code and the neighborhood plans.

Lindsay Kershner pointed out that there was an additional inconsistency in the special conditions section of the zoning table for Area 17A of the Cordata Neighborhood (third condition) related to the property

abutting Cordata Parkway. She stated that due to the fact that the property does not abut Cordata Parkway, that language should also be stricken as part of the "clean-up" being done to the plans. She noted that no public comment was received and recommended approval of the amendments.

PUBLIC HEARING OPENED

No public testimony given.

PUBLIC HEARING CLOSED

MOTION: Jeff Brown moved to approve the Findings of Fact, Conclusions and Recommendations included in the October 17, 2013 staff report, including the removal of the third condition from the special conditions section of Area 17A in the Cordata Neighborhood zoning table; and forward a recommendation of approval to the City Council. SECONDED.

VOTE: ALL AYES (*Motion Passes 6-0*)

PUBLIC HEARING #2:

The proposed amendments to the Bellingham Municipal Code (BMC) are to clarify the density bonus provisions currently allowed through residential proposals reviewed under BMC 20.38 Planned Development and as referenced in BMC 20.00 Table of Zoning Regulations. The proposed amendments are minor in nature and are intended to clarify and help alleviate confusion regarding how density bonuses may be applied through the planned development process.

STAFF PRESENTATION

Kathy Bell noted that inquiries have been received from the public related to Areas 8, 9, 10 and 13 of the King Mountain Neighborhood regarding the process for incorporating density bonuses into development proposals. She stated that the proposed text amendment are necessary to fix current errors in the code, clarify the process for administering density bonus requests in the above mentioned areas, and to modify the cluster bonus options to be more adaptable to multifamily development. She stated that no public comment was received, and staff recommends approval of the amendments.

There was a conversation about what the public inquiries were regarding and what infrastructure currently exists in Areas 8, 9, 10 and 13.

Jeff Brown wanted to know if these amendments affected the development that previously came before the Commission as the King Mountain Urban Village in any way.

Kathy Bell clarified that the King Mountain Urban Village proposal was denied by City Council and stated that these amendments do not change the opportunities the developer has for density. She pointed out that they provide clarity for the use of cluster bonus provisions in multi-family development as well as the single family development.

PUBLIC HEARING OPENED

No public testimony given.

PUBLIC HEARING CLOSED

MOTION: Garrett O'Brien moved to approve the Findings of Fact, Conclusions and Recommendations included in the October 17, 2013 staff report and forward a recommendation of approval to the City Council. SECONDED.

VOTE: ALL AYES (*Motion Passes 6-0*)

GENERAL BUSINESS:

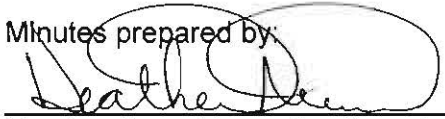
Planning Director's Report
No Report.

Staff / Commissioner Discussion

ADJOURNED: 7:20 p.m.

NEXT MEETING: November 7

Minutes prepared by:

A handwritten signature in black ink, appearing to read "Heather Aven", written over a horizontal line.

Heather Aven, Recording Secretary

Minutes edited by Planning Commission members and various Planning Staff.



BELLINGHAM CITY COUNCIL

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Telephone (360) 778-8200 Fax (360)778-8101
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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a public hearing on Monday, November 18, 2013, @ 7:00 PM, or as soon thereafter as possible, in the **City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington**, to take public comment on the following:

AMENDMENTS TO THE BELLINGHAM MUNICIPAL CODE (BMC) TO CLARIFY THE DENSITY BONUS PROVISIONS CURRENTLY ALLOWED THROUGH RESIDENTIAL PROPOSALS REVIEWED UNDER BMC 20.38 PLANNED DEVELOPMENT AND AS REFERENCED IN BMC 20.00 TABLE OF ZONING REGULATIONS. THE PROPOSED AMENDMENTS ARE MINOR IN NATURE AND ARE INTENDED TO CLARIFY AND HELP ALLEVIATE CONFUSION REGARDING HOW DENSITY BONUSES MAY BE APPLIED THROUGH THE PLANNED DEVELOPMENT PROCESS

Detailed information can be found at: <http://www.cob.org/government/public/boards-commissions/planning-materials.aspx>

Staff Contact: Kurt Nabbeffeld, Planning and Community Development Department (360) 778-8351 or knabbeffeld@cob.org

Anyone wishing to comment on this topic is invited to attend; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to ccmail@cob.org, or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, November 13, to be included in the agenda packet. Comment received after that time will be distributed to Council but not included in the published meeting materials.

FOR OUR CITIZENS WITH SPECIAL NEEDS, the Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, persons are asked to contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

Publication date: Friday, October 18, 2013

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