



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
Third and Final Ordinance	02-Dec-2013	Pass Ordinance		

Council Committee:

Agenda Bill Contact:

Moshe Quinn, Planner II

Committee Actions:

Reviewed By	Initials	Date
Jeff Thomas, PCD Director	<i>[Handwritten Initials]</i>	10-28-2013
K. Nabbefeld, Senior Planner	<i>[Handwritten Initials]</i>	10-28-13
Legal	<i>[Handwritten Initials]</i>	10/29/13
Mayor	<i>[Handwritten Initials]</i>	10.5.13

Council Action:

11/18/13 Public hearing held.
KNUTSON / BORNEMANN moved approval for first and second reading. MOTION CARRIED 7-0.

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2
3 **ORDINANCE NO. _____**
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5 **AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE (BMC) 20.38.050 B. 3.**
6 **DENSITY AND BMC 20.00.095 KING MOUNTAIN NEIGHBORHOOD TABLE OF ZONING**
7 **REGULATIONS CLARIFYING AND ADDING DENSITY BONUS PROVISIONS FOR**
8 **MULTI-FAMILY PLANNED DEVELOPMENTS.**
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10 **WHEREAS**, the BMC currently allows density bonuses for cluster subdivisions and multi-
11 family planned development proposals located within Areas 8, 9, 10, and 13 of the King
12 Mountain Neighborhood; and
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14 **WHEREAS**, the proposed code amendments are necessary to clarify the density bonus
15 provisions and process for multi-family planned development proposals reviewed under BMC
16 20.38 and referenced in BMC 20.00 Zoning Tables; and
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18 **WHEREAS**, the proposed code amendments will provide clear and concise development
19 standards that will improve usability for citizens, professionals, and staff; and
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21 **WHEREAS**, the proposal promotes the efficient use of land and provides incentives to
22 encourage higher multi-family densities by providing feature(s) that benefit the public;
23 and
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25 **WHEREAS**, the responsible official reviewed the proposed amendments under the
26 procedures of the State Environmental Policy Act, and an Adoption of Existing Environmental
27 Document was issued by the City of Bellingham on September 30, 2013; and
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29 **WHEREAS**, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed
30 code amendments was sent to the Washington State Department of Commerce on
31 September 27, 2013; and
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33 **WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the
34 Planning Commission held a public hearing on the proposed code amendments on October
35 17, 2013; and
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37 **WHEREAS**, the Planning Commission determined that the proposed amendments comply
38 with and will implement the goals and policies of the Bellingham Comprehensive Plan; and
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40 **WHEREAS**, the Planning Commission considered the staff report and comments received
41 and thereafter made Findings, Conclusions and a Recommendation for approval of the
42 proposed amendments by a unanimous 6-0 vote; and
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44 **WHEREAS**, after mailed and published notice as required by BMC 21.10, the City Council
45 held a public hearing on the proposed code amendments on November 18, 2013; and
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47 **WHEREAS**, the City Council has considered the recommendation of the Planning
48 Commission, the staff report and the public comment and hereby adopt the Findings of Fact
49 and Conclusions of the Planning Commission.
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1
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 Director 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.

16
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.

21
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 cluster 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 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 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 <u>cluster density bonus provisions in BMC 18.32</u>, 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 ¾ 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.

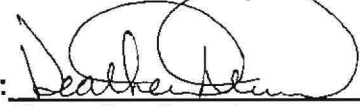
III. RECOMMENDATIONS:

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.

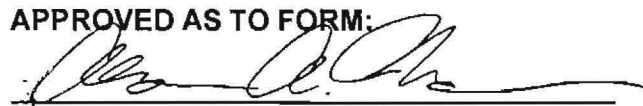
ADOPTED this 17TH day of October, 2013.



 Planning Commission Chairperson

ATTEST: 

 Recording Secretary

APPROVED AS TO FORM:


 City Attorney