

ORDINANCE NO. 2018-11-027

AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY 174-ACRES OF UNINCORPORATED PROPERTY LOCATED ADJACENT TO THE NORTHERN BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE BENNETT / BAKERVIEW / AIRPORT DRIVE ANNEXATION; ASSIGNING CITY LAND USE AND ZONING DESIGNATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on May 18, 2007, the owners of property within Bellingham's Northern Urban Growth Area submitted a 10% petition for annexation of approximately 174-acres to the City of Bellingham pursuant to RCW 35.13.125; and

WHEREAS, the Bellingham City Council held public meetings on August 6, 2006 and November 19, 2007, and approved Resolution 2007-31, thereby initiating the review process for this annexation request, subject to adopting City land use designations, zoning, and assumption of existing City indebtedness; and

WHEREAS, the property owners within the annexation area submitted a 75% annexation petition to the City of Bellingham on July 16, 2009; and

WHEREAS, the City of Bellingham forwarded the petition to the Whatcom County Assessor, whereby the Assessor found the petition to comply with state law and provided a Certificate of Sufficiency to the City on July 31, 2009; and

WHEREAS, on March 31, 2010, the City of Bellingham forwarded the Notice of Intention to Annex to the Whatcom County Boundary Review Board (BRB) for its 45-day review of the annexation proposal; and

WHEREAS, the BRB deemed the Notice of Intention to Annex as described in the BRB file #2015-02 approved on May 14, 2010; and

WHEREAS, currently Interstate 5 (I-5) /Bakerview Road interchange and the local street network serving the proposed annexation area experience traffic congestion and delays during peak p.m. travel times and it is expected that these traffic impacts will increase with new development, and

WHEREAS, final review of the proposed annexation was postponed until such time as studies could be prepared addressing future transportation improvements to the I-5/Bakerview Road interchange and the arterial street network were completed and analyzed; and

WHEREAS, the Washington State Department of Transportation (WSDOT) funded the "I-5/Bakerview Interchange Value Planning Study" (VPS) in 2010, which included the

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City of Bellingham, Whatcom County, Port of Bellingham, Whatcom Transportation Authority, and the Whatcom Council of Governments; and

WHEREAS, in April 2011, WSDOT published the “I-5/Bakerview Interchange VPS Technical Report,” which identified sequential transportation improvements including Option 1 low-cost rechannelization improvements on the overpass, Option 2 northbound on-ramp construction, and Option 3 bridge widening and/or reconstruction; and

WHEREAS, in 2011-2012 the City of Bellingham created a public-private partnership to fund the \$3,500,000 VPS Option 1 rechannelization improvements on the overpass with the following funding partners: Transportation Improvement Board of Washington, Port of Bellingham, Whatcom County Economic Development Investment Board, Whatcom County, and the Fred Meyer Corporation; and

WHEREAS, the City of Bellingham helped fund capacity and safety improvements to the W. Bakerview Corridor Interchange in 2013 to address near-term traffic impacts associated with capacity and congestion; and

WHEREAS, to ensure adequate transportation facilities are in place at the time of development and adopted level of service standards can be met for arterial streets, new development will be required to meet transportation concurrency measures adopted by the City; and

WHEREAS, in 2015-2016, Bellingham provided \$250,000 to WSDOT to conduct an in-depth multi-agency Interchange Justification Report (IJR) based on the traffic studies prepared for the I-5/Bakerview Road Interchange and surrounding area to assess existing and future growth, transportation impacts, and 17 alternatives for transportation improvements to the I-5 /Bakerview interchange; and

WHEREAS, in December 2016, the multi-agency IJR team, including staff from Federal Highway Administration (FHWA), WSDOT, City of Bellingham, Whatcom County, Port of Bellingham, Whatcom Transportation Authority, Whatcom Council of Governments, City of Ferndale, and Lummi Nation unanimously recommended a new northbound on-ramp on the east side of the interchange as the preferred alternative for the IJR; and

WHEREAS, in February 2018, WSDOT gave its final approval of the IJR project team recommendation for a new northbound on-ramp; and

WHEREAS, the FHWA approved the IJR and recommended moving forward with the preferred alternative for a new northbound on-ramp on the east side of I-5 from Bakerview Road; and

WHEREAS, the Bellingham City Council adopted an Annexation Strategy in 2018, which identified the Bennett / Bakerview / Airport Drive annexation as a high priority area

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for annexation based on the area's potential to accommodate new employment and housing development needed to help with Bellingham's 20 year forecasted growth projections; and

WHEREAS, in 2018 both the Bellingham City Council and Whatcom County Council approved an amendment to the 2012 Interlocal Agreement under City Contract #2012-0329A and County Contract #201204013-1 to include the Bennett / Bakerview / Airport Drive annexation and for compensation of County road improvements completed in the area; and

WHEREAS, the Bellingham City Council held a public hearing on the proposed annexation on October 22, 2018; and

WHEREAS, the Bellingham City Council Committee of the Whole held a work session on November 5, 2018, for the proposed annexation area and directed staff to prepare an ordinance approving the Bennett / Bakerview / Airport Drive Annexation; and

WHEREAS, on November 5, 2018 the Bellingham City Council considered the annexation ordinance and determined the proposed annexation is consistent with the State Growth Management Act, the policy direction in Whatcom County's Comprehensive Plan, the Countywide Planning Policies, the Urban Fringe Subarea Plan, and Bellingham's 2016 Comprehensive Plan; and

WHEREAS, the Bellingham City Council approved the Bennett / Bakerview / Airport Drive Annexation ordinance, which assigned City land use and zoning designations to the annexation area and established an annexation effective date.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The properties within the Bennett / Bakerview / Airport Drive Annexation area as shown and legally described in Exhibit A are hereby annexed to the City of Bellingham.

Section 2. The area annexed herein shall assume its proportional share of the existing indebtedness of the City of Bellingham.

Section 3. The Birchwood Neighborhood Plan is amended to include Areas 25, 26, and 27 as shown in Exhibit B.

Section 4. The Birchwood Neighborhood Plan 2001 arterial routes map is replaced with an updated Birchwood Neighborhood circulation map, which includes the annexation area as shown in Exhibit C.

Section 5. The Birchwood Neighborhood Comprehensive Plan Land Use Map is amended to include Areas 25, 26, and 27 as shown in Exhibit D.

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Section 6. The City of Bellingham zoning map for the Birchwood Neighborhood is amended to include Areas 25, 26, and 27 as shown in Exhibit E.

Section 7. The Bellingham Municipal Code 20.00.020 - Birchwood Neighborhood Table of Zoning Regulations is amended to include Areas 25, 26, and 27 as shown in Exhibit F.

Section 8. This ordinance shall be effective on April 1, 2019.

PASSED by the Council this _____ day of _____, 2018.

Council President

APPROVED by me this _____ day of _____, 2018.

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:
