

ORDINANCE NO. 2008-12-107

AN ORDINANCE RELATING TO THE ANNEXATION OF APPROXIMATELY TWELVE ACRES OF UNINCORPORATED PROPERTY ADJACENT TO THE SOUTHEAST BOUNDARY OF THE BELLINGHAM CITY LIMITS AND COMMONLY KNOWN AS THE SAN JUAN / YEW STREET ANNEXATION; ASSIGNING CITY LAND USE DESIGNATION AND ZONING REGULATIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the owners of certain property situated within the area herein proposed for annexation filed a proper and sufficient Notice of Intent to commence annexation proceedings pursuant to RCW 35.13.125 on or about July 20, 2006; and

WHEREAS, this property is within Bellingham's Yew Street Urban Growth Area (UGA) for over 10 years, and is therefore eligible for annexation; and

WHEREAS, the City of Bellingham and Whatcom County identified this property as an area appropriate for urban development in Whatcom County's Urban Fringe Subarea Plan; and

WHEREAS, the City Council held a public meeting on September 11, 2006, and voted unanimously to accept the 10% petition and approved Resolution 2006-34 on September 25, 2006 and thereafter unanimously initiated the annexation process, subject to adopting a land use designation, zoning regulations and the assumption of existing City indebtedness; and

WHEREAS, property owners within the subject annexation area signed the seventy-five percent petition requesting annexation to Bellingham, and on February 26, 2007, submitted the 75% petition accompanied by a map specifying the boundaries of the proposed annexation and legal description to the City as provided by RCW 35.13.130; and

WHEREAS, on March 14, 2007, the Whatcom County Assessor certified that the annexation petition contained the valid signatures representing the property owners according to the assessed valuation for general taxation of the property for which annexation is petitioned as required by RCW 35.21.005; and

WHEREAS, on January 29, 2007, the Notice of Intention was forwarded to the Boundary Review Board (BRB) and after completeness and accuracy of the legal description of the affected property, accepted the Notice for filing on March 3, 2008; and

WHEREAS, on March 26, 2007, County Executive, Pete Kremen signed Amendment #13 to the Interlocal Agreement between the City and County concerning annexation and on April 18, 2008 Mayor Dan Pike signed the Amendment; and

WHEREAS, on April 16, 2008, the Boundary Review Board deemed the Notice of Intention, as described in the file BRB #2008-01, as approved pursuant to RCW 36.93.100; and

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WHEREAS, on August 11, 2008 the Bellingham City Council held a public hearing to consider the annexation; and

WHEREAS, at the conclusion of the hearing, Council approved 1st and 2nd reading of the annexation ordinance; and

WHEREAS, Council held a worksession on October 1, 2008 to study the issues raised by the nine active petitions including the San Juan/Yew Street annexation; and

WHEREAS, Council held a second worksession on October 20, 2008 to review three annexation proposals that had prior public hearings, including the San Juan/Yew Street annexation; and

WHEREAS, Council held a third worksession on December 8, 2008 to review three annexation proposals that had prior public hearings, including the San Juan/Yew Street annexation; and

WHEREAS, Council determined the annexation is consistent with policy direction in Whatcom County's Comprehensive Plan; and

WHEREAS, the annexation is consistent with the principles of the State Growth Management Act (GMA), Whatcom County-wide Planning Policies, and Bellingham's Comprehensive Plan.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The property located adjacent to the southeast boundary of the City of Bellingham, commonly known as the San Juan /Yew Street Annexation as described in the legal description in Exhibit "A," is 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. A new Area 13 is added to Whatcom Falls Neighborhood Plan component of the Bellingham Comprehensive Plan as described below.

AREA 13

Area 13 comprises approximately 12 acres. Yew Street abuts the area on the east; San Juan Boulevard extends from Yew Street in an east/west alignment through the northern portion of the area linking Yew Street with the Pacificview subdivision. To the south is the 83-lot Woodbine subdivision. The area was annexed to Bellingham in 2008.

The area lies within the Cemetery Creek watershed and drains northward via the west fork of Cemetery Creek. The topography generally slopes to the east and north. Deciduous and evergreen trees are found throughout the undeveloped areas. An open space tract lies to

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the west of the Area 13 and includes the west fork of Cemetery Creek. Stream protection should be required as development occurs. Several wetland areas have been identified in the National Wetlands Inventory maps using data from aerial photographs and soil maps. This wetland information is considered incomplete due to its inability to detect wetlands on the ground beneath any forest canopy. As a consequence, delineation studies should be required when development is proposed.

Storm water runoff should be collected through a series of catch basins and storm drains and detained in ponds and released at its natural points of discharge along the boundaries of the area. A County maintained stormwater facility exists within the northern portion of the area which drains into Consolidation Creek. The existing storm water pond was constructed as mitigation for the County's Yew Street road improvements.

San Juan Boulevard extends through the area providing linkage between Yew Street to the east and Pacificview subdivision to the west. Vehicle access from San Juan and Yew Street should be limited. Parks, trails and open space are needed to serve future residential development. Trail corridors, setbacks from creeks and wetlands should be considered as development is proposed. Proposed trails should tie into existing City trails and open space areas.

Land Use Designation, Single Family Residential, Medium Density

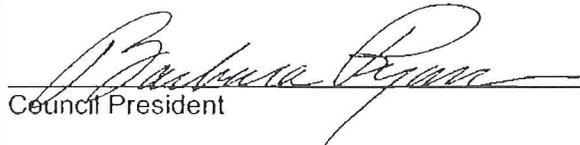
Section 4. A new Area 13 is added to the Whatcom Falls Neighborhood Land Use Map of the Bellingham Comprehensive Plan Map as shown on Exhibit "B".

Section 6. A new Area 13 is added to the Whatcom Falls Neighborhood Zoning Table of Regulations as shown on Exhibit "C".

Section 7. A new Area 13 is added to the Whatcom Falls Neighborhood Zoning Map as shown on Exhibit "D".

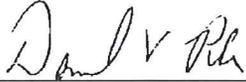
Section 8. This ordinance shall be effective, February 13, 2009

PASSED by the Council this 8th day of December, 2008.



Council President

APPROVED by me this 15th day of December, 2008.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published:

December 12, 2008

Proposed Yew Street and San Juan Boulevard Annexation To Bellingham.

That territory in Section 32, Township 38 North, Range 3 East of Willamette Meridian consisting of:

Lots 1 and 2, 5 and 6, 25 and 26, 29 and 30 of Block 1, Brown's Addition to Sehome, together with all vacated streets and alleys abutting;

Lots 1 and 2, 5 to 26, 29 and 30 of Block 2, Brown's Addition to Sehome, together with all vacated streets and alleys abutting;

And including the North 132 feet of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 32, Twp. 38 N., Ra. 3 E of W.M.;

And including Lots 1 and 2 of the Yew Street Park Short Plat;

And including all of that portion of Speiden Place right-of-way lying north of San Juan Boulevard to the present city limits;

And including all of that portion of Blue Water Way (Valencia St.) right-of-way lying south of San Juan Boulevard between Blocks 1 and 2 only of Brown's Addition to Sehome;

And including all of San Juan Boulevard right-of-way east from the present city limits to Yew Street;

And including all of Yew Street right-of-way lying north of the southerly line of Yew Street Park Short Plat extended east to the easterly right-of-way line of Yew Street to the present City of Bellingham limits.

Containing an area of approximately 12.50 acres.

EXHIBIT B

**WHATCOM FALLS
NEIGHBORHOOD
LAND USE**

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Residential Multi
2	Public
3	Public
4	Residential Single, Medium Density
5	Residential Single, Medium Density
6	Commercial
7	Residential Single, Low Density
8	Residential Single, Low Density
8E	Residential Single, Low Density
9	Public
10	Public
11	Residential Single, Low Density
12	Residential Multi, Low Density
13	Residential Single, Medium Density



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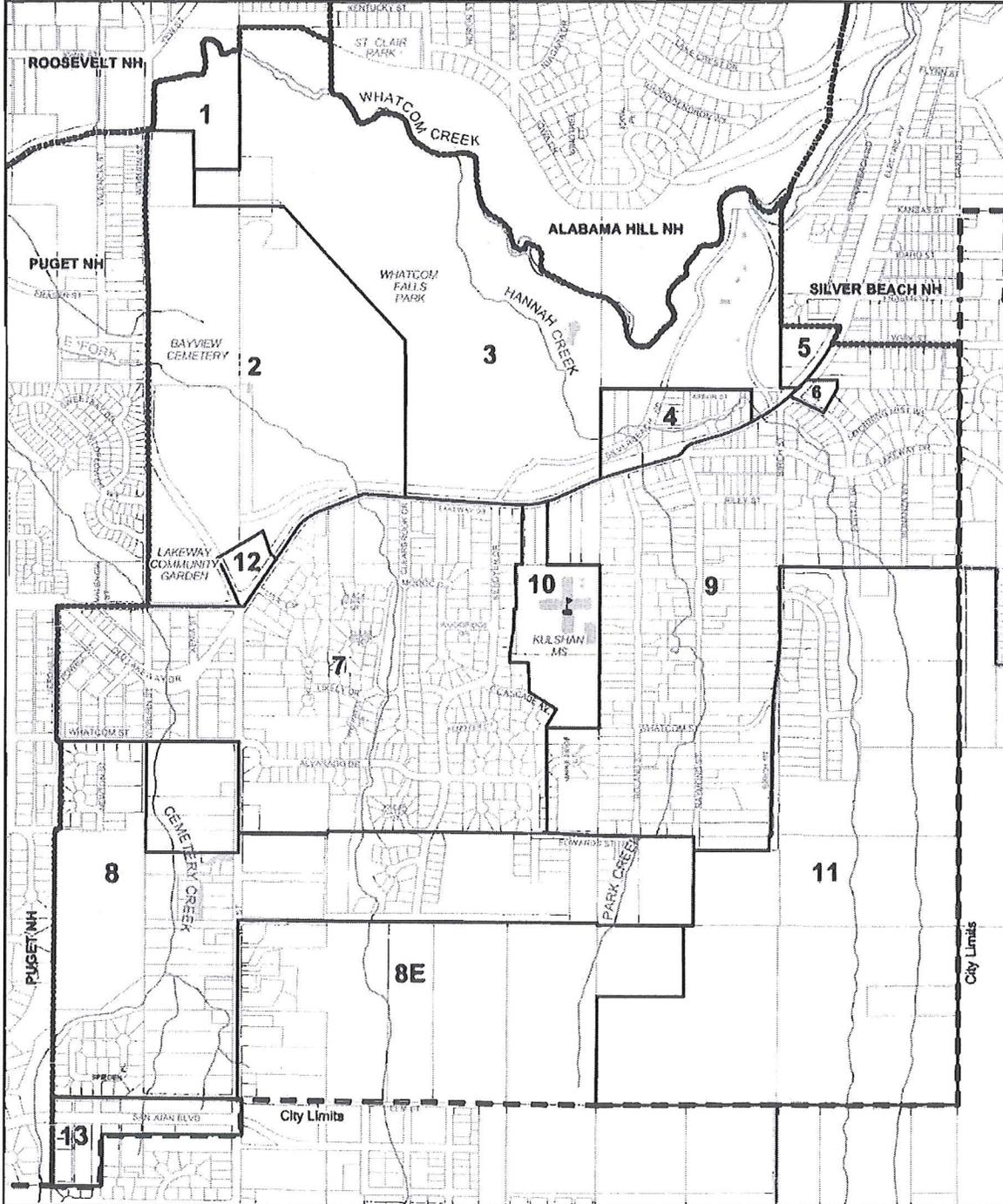


EXHIBIT C Whatcom Falls Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
13	Residential Single	Detached, cluster, cluster attached and cluster detached; mixed; limited duplex and multifamily (see special regulations)	7,200 sq. ft. per dwelling unit; up to 3,600 sq. ft. per dwelling unit using cluster bonus provisions in BMC 18.32 or adopted City TDR program.* Lots not created by cluster subdivision: 5,000 sq. ft. minimum detached lot size and a maximum density of 7200 sq. ft. per unit.	In addition to arterial streets, provide local pedestrian and vehicular access between adjacent developments. Limit access points on arterial streets. Shared access is encouraged. Provide public trails consistent with the Parks and Recreation Plan with connections to existing city trail systems and new residential developments.		Duplex and multi-family units shall require planned residential development approval under BMC 20.38 and shall not exceed 25% of the total allowed dwelling units for the entire site. Duplex and multi family building permits shall not be issued until at least 50% of the single family homes on site have been constructed. No more than 4 single family attached dwelling units allowed. *The density bonus may exceed the 50% total maximum under BMC 18.32 but density shall not exceed 3,600 sq. ft. per dwelling unit.

EXHIBIT D

**WHATCOM FALLS
NEIGHBORHOOD
ZONING**

Legend:

AREA	ZONING DESIGNATION*
1	Planned Residential Multi
2	Public
3	Public
4	Residential Single
5	Residential Single
6	Neighborhood Commercial
7	Residential Single
8	Residential Single
8E	Residential Single
8W	Residential Single
9	Residential Single
10	Public
11	Residential Single
12	Residential Multi
13	Residential Single

* SEE BELLINGHAM MUNICIPAL CODE TITLE 20
TABLE OF ZONING REGULATIONS FOR
MODIFICATIONS IN THE LIST OF PERMITTED
USES AND OTHER SPECIAL PROVISIONS
FOR EACH NUMBERED AREA



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