



City of Bellingham
City Council Regular Meeting Agenda
July 1, 2019, 7:00 PM

Mayor Kelli Linville
Council Members April Barker, Gene Knutson, Daniel Hammill,
Pinky Vargas, Terry Bornemann, Michael Lilliquist and
Hannah Stone

Contact: (360) 778-8200, ccmail@cob.org
www.cob.org/council
All meetings are held in the City Hall Council Chambers at
210 Lottie Street, Bellingham, WA, unless otherwise noted.

The following items are heard in the Regular Meeting only:

Call to Order

Announcements & Upcoming Meetings:

Bellingham City Council meets all requirements of the State of Washington Open Meetings Act.

- 1. On July 15, 2019 at 7:00 PM in the City Council Chambers, there will be a Public Hearing on consideration of an emergency ordinance imposing a one-year moratorium on the redevelopment or change of use in any of the ten mobile/manufactured home parks in Bellingham**

Pledge of Allegiance

Roll Call

Public Hearing

- 22349 1. Public Hearing and Resolution Authorizing Relinquishment of a Surplus Utility Easement Located in the Vacated Southerly 10 Foot Portion of the Adams Avenue Right-of-Way, Between 14th and 15th Streets** **p. 5**

15-Minute Public Comment Period

Mayor's Report

Standing time for briefings, updates and reports to Council by the Mayor, if needed.
Information only.

The following are heard in both Committee sessions and Regular Meeting in order below:

Council Standing Committee Meetings:

Open to the public to attend. Note: there is generally no public comment period for Committee sessions. Standing Committee Members receive reports and information, ask questions and, when appropriate, vote on a recommended action for consideration by the full Council at the Regular Meeting. The notice of Committee Meetings identified below also serves as notice of Special Meetings of the City Council at the times identified as Council Members who are not members of the committee routinely attend and participate in the Committee Meetings. Committee Chairs give a report of the Committee Meeting at the Regular Meeting in the evening prior to deliberation and formal vote in the order shown below:

Public Works and Natural Resources 1:00 PM

Gene Knutson, Chair
Terry Bornemann, April Barker

- 22350 1. Proposed Ordinance Accepting Donation of Ruston Way Stormwater Facility p. 36**

- 22351 2. Approve An Ordinance of the City of Bellingham, Granting Verizon Wireless a Franchise to Operate and Maintain Small Cell Facilities in the City Rights-of-Way for the Provision of Wireless Telecommunications Services p. 41**

Planning and Community Development 1:10 PM

April Barker, Chair
Terry Bornemann, Michael Lilliquist

- 22324 1. Follow-up Discussion Regarding the University of Washington (UW) Graduate Research Team's Assessment in the City's Eastern Urban Growth Areas p. 53**

- 22293 2. An Ordinance Amending the Samish Way Urban Village (SWUV) Subarea Plan and Corresponding Development Regulations p. 87**

- 22039 3. Housing/Equity Assessment - Update p. 182**

Committee Of The Whole 1:50 PM

Daniel Hammill, Chair
April Barker; Gene Knutson; Pinky Vargas; Terry Bornemann; Michael Lilliquist, Hannah Stone

Please be advised that if the City Council is ahead of schedule, they may start with old/new business before the official Committee of the Whole meeting time.

- 22352 1. Model Toxics Control Act (MTCA) Site Update p. 183**

2. Approval of Minutes

3. Old/New Business

Executive Session

Closed to the public. Report in the Regular Meeting only:

Consent Agenda

All matters listed on the Consent Agenda are considered routine and/or non-controversial items and may be approved in a single motion. A member of the Council may ask that an item be removed from the Consent Agenda and considered separately.

22353	1.	Authorization of A/P Checks Issued June 14, 2019	p. 185
22354	2.	Authorization of A/P Checks Issued June 21, 2019	p. 186
22355	3.	Bid Award for 2019 Crack Seal Program RE-BID, RFP #43B-2019	p. 187
22356	4.	Memorandum of Understanding Between State of Washington Department of Transportation and the City of Bellingham for Installation and Maintenance of Automated Bike and Pedestrian Counters	p. 190

Agenda Information:

Council Committee and Regular Meeting agendas and agenda packets, which contain the supporting documentation for agenda items, are available to the public Wednesday afternoon prior to the meeting. They are posted at <https://meetings.cob.org/>. A hard copy of the agenda packet is available for review from the reference desk at the Central Library or the Finance office at City Hall.

Live Broadcast Information:

The Bellingham City Council Committee Meetings are broadcast live on BTV Bellingham at the times listed on the Agenda. Committee session start times between 9:00 AM and 5:00 PM are estimated. A specific Committee may start later than the time published but will not begin earlier than its published time.

BTV can be found on cable systems as follows: Comcast channels 10 (standard) and 321 (high definition), and CenturyLink channels 40 (standard) and 1040 (high definition).

The meetings are also [streamed live](#) on the internet as they occur. Online viewers will see exactly what cable customers would see.

The Bellingham Public Library also has DVD's available for checkout. Video and audio files are available on the Internet at <https://meetings.cob.org> within 5 business days following each meeting.

BTV Council Meeting Rebroadcast Schedule:

- Tues. 12 PM: Repeat broadcast of Monday afternoon Committee meetings
- Tues. 7 PM: Repeat broadcast of Monday night regular meeting
- Wed. 8 AM: Repeat broadcast of Monday night regular meeting
- Sat. 12 PM: Repeat broadcast of Monday afternoon Committee meetings
- Sat. 7 PM: Repeat broadcast of Monday night regular meeting

Accessibility:

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, contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

**Next City Council Meeting
Monday, July 15, 2019**

Deadline to submit material for any public hearing for inclusion in the published agenda packet is 8:00 a.m. on Wednesday prior to the meeting.



City Council Agenda Bill

22349

Bill Number

Subject: Public Hearing and Resolution Authorizing Relinquishment of a Surplus Utility Easement Located in the Vacated Southerly 10 Foot Portion of the Adams Avenue Right-of-Way, Between 14th and 15th Streets

Summary Statement: The attached resolution provides for the relinquishment of a public utility easement located in the vacated southerly 10 foot portion of the Adams Avenue right-of-way between 14th and 15th Streets. The Public Works Department has determined that said easement is surplus to the City's needs and is not required for the provision of public utility services. Therefore, staff recommends that it be relinquished. The attached resolution authorizes the Mayor to relinquish the easement.

Previous Council Action: **None**

Fiscal Impact: **None**

Funding Source: **N/A**

- Attachments:
1. ORIGINAL ORDINANCE #6826 7/7/1952
 2. 601 14TH ST REQUEST LETTER #1
 3. 601 14TH ST REQUEST LETTER #2
 4. 601 14TH ST REQUEST LETTER #3
 5. 601 14TH ST PUBLIC HEARING NOTICE
 6. 601 14TH ST RELINQUISH EASEMENT MAP
 7. 601 14TH ST RELINQUISH EASEMENT RESOLUTION
 8. 601 14TH ST PARTIAL RELINQUISH EASEMENT

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Public Hearing - Vote Requested	7/01/2019	Pass Resolution	Ted Carlson, Public Works Director	5 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Brent Baldwin, Development Mgr & Lance Rexroat, Property Specialist
778-7940

Reviewed By	Department	Date
<i>Ted A. Carlson</i>	Public Works	6/17/2019

Council Action:

<i>Matthew T. Stamps</i>	Legal	6/17/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019

ORDINANCE NO. 6826

NE 1-37-2

AN ORDINANCE IN RELATION TO THE VACATION OF TEN (10) FEET ON BOTH SIDES OF ADAMS STREET BETWEEN 16th. AND 17th. STREETS: ALSO TEN (10) FEET ON EACH SIDE FROM 14th. STREET TO THE WEST LINE OF THE LYSLE DONATION CLAIMLINE LYING EASTERLY OF HIGHLAND DRIVE IN THE CITY OF BELLINGHAM: VACATING SAID PORTIONS OF SAID STREET: AND FINDING AND ADJUDGING THAT NO DAMAGES ACCRUE TO ANY PERSONS OR PROPERTY BY REASON THEREOF: PROVIDING FOR CERTAIN CONDITIONS RELATING TO SAID VACATION: FIXING THE EFFECTIVE DATE OF SUCH VACATION: AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF BELLINGHAM DOES ORDAIN: *B.B. LAND CO'S 1ST ADD*

SECTION 1. That the following described portions of the following described street, as approved by the City Planning Commission, to-wit:

Ten (10) feet on both sides of Adams Street between 16th. & 17th.Sts.

Also ten (10) feet on each side thereof from 14th. Street to the West line of the Lysle Donation Claim line lying Easterly of Highland Drive; in the City of Bellingham, Washington, be, and the same are hereby vacated.

SECTION 2. That a condition of the vacation of the said portions of said Adams Street is as follows: The City of Bellingham retains the right to exercise and grant easements in respect to the said portions of the said street vacated by this ordinance, for the construction, repair and maintenance of water, sewer, electric and telephone distribution and transmission utilities, particularly in continuance of any existing utilities over and across any part of said portions of Adams Street, and the right to have the same reconstructed, operated, repaired and maintained and said retained right to be perpetual ~~and~~ across said portions of said vacated street.

SECTION 3. That no damage will result to any person or persons or to any property by reason of the vacation of the said portions of said street hereinbefore described.

SECTION 4. That all ordinances and parts of ordinances of the City of Bellingham in conflict herewith, be, and the same are hereby repealed.

SECTION 5. That this ordinance shall take effect after its final passage and approval as provided by the Charter of the City of Bellingham.

Passed by the City Council of the City of Bellingham this 7th. day of July 1952.

DB

Sec PLANN. COMM. MIN.

April 23, 1952

To make Adams st. 60'

See pg. 364



DYKES EHRLICHMAN

Land Use, Real Estate, & Environmental Law

March 7, 2019

Via Electronic Mail:
lrexroat@cob.org
Tel: (360) 77-7981

Department of Public Works
City of Bellingham
Attention: Lance Rexroat, Property Acquisition Specialist
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225

Re: Request to Vacate 10-foot Utility Easement and 8-foot ROW on Adams Avenue,
Located Between 14th and 15th Streets

Dear Mr. Rexroat,

Thank you for explaining the process for a request to vacate a City right-of-way. Our clients, Julie Trimmingham and Steve McMinn own a residence located at 601 14th Street, the north side of which fronts along the south side of Adams Avenue. A map is enclosed herein. They are rebuilding the old home there and providing an amenity in the form of an accessory dwelling unit to add additional housing. In order to rework the foundation, they had to temporarily remove the home's 90-year old concrete wall located along the south edge of the Adams Avenue sidewalk. In order to complete the project and restore the contours of the site to its original configuration, they would like to rebuild this retaining wall, in its same prior location.

On behalf of Julie and Steve, we are writing to formally request that the City Council make this possible and vacate an eight-foot portion of right-of-way and the ten-foot utility easement on the south side of Adams Avenue. Thank you in advance for your review of the following description of this request, and the attachments, which provide the materials you requested in the application.

1. Historical Configuration of the Retaining Wall Along Adams Avenue Sidewalk.

In order to construct new foundations and reinforce access to the garage entrance on Adams Avenue, Julie and Steve had to remove a retaining wall built approximately 90 years ago. The wall abutted the south sidewalk along Adams Avenue, between 14th Street and the Alley to the east, as shown on the attached Map. Exhibit 1A. After obtaining a survey, they were surprised to learn that the south edge of the sidewalk was not the extent of the City's right-of-way for Adams Avenue. A survey and title report showed them that the right-of-way actually extends another eight feet south from the sidewalk, and then the City has a utilities easement extending ten feet further south from there onto their property (vacated right-of-way).

Now, in order to restore the historical retaining wall in its exact same location, they must first ask the City to vacate the underlying ground. There are no utilities located within this portion of City right-of-way, as proven below. That is because the property is underlain by hard sandstone. Thus, all utilities have been located in the streets and alleys themselves, as shown in the City's maps of "as-built" utilities.

P.O. Box 1271
Freeland, WA 98249
(425) 268-5553
tom@dykesehrlichman.com

The historical configuration of this home site is similar to other home sites to the east along Adams Avenue. Adams Avenue, which borders the north side of their property, and homeowners for ninety years have built and maintained retaining walls at the edge of the City sidewalk along Adams Avenue, as the hill rises to the east, toward 15th street. A topographical map is attached to this letter showing the property and the layout of the Adams Avenue sidewalk. Exhibit 1A.

The history of these home sites, retaining walls, the sidewalk and use of Adams Avenue thus shows that public use for ninety years ended at the south edge of the sidewalk along Adams Avenue. Our request to the City Council to vacate that area simply recognizes these historic facts and the infeasibility of digging in this area for utilities in the future.

2. The Home Construction and New ADU.

In order to complete their construction, Julie and Steve would like to rebuild the old retaining wall in its old location, at the southern edge of the Adams Avenue sidewalk. The wall was removed temporarily during construction, to allow better excavation access to footings, and strengthen the historical carport entrance to the home. By replacing the wall in its exact same historic location, Julie and Steve will restore the site to its historic condition. This also benefits the liveability of the ADU housing, by helping create a livable, outdoor view space, looking west to Bellingham Bay.

3. The Request for Street Vacation.

Julie Trimmingham and Steve McMinn hereby request that the City Council vacate: (a) an unused portion of Adams Avenue right-of-way (8 feet wide); and (b) a utility easement (10 feet wide) reserved by the City. This request is supported by the attached exhibits, which include a drawing of the proposed new property line directly adjacent to the south edge of the existing sidewalk along Adams Avenue. We are prepared to pay recording costs and any reasonable processing fee.

This vacated area will consist of approximately eight feet of unused street right-of-way and ten feet of a City utilities corridor, reserved when the City vacated that ten-foot portion of Adams Avenue. By authorizing this change, the City Council will be allowing the historic use of the land to the sidewalk edge, including reconstruction of the historic retaining wall. This wall will line up exactly with the neighbor's old retaining wall, also in the historic location at the south edge of the sidewalk.

In the *Attachments*, we provide all of the information requested in the *Procedure for Relinquishment* notice provided to us by Public Work.

4. Absence of Any Public Utilities.

We conducted a comprehensive search for the possible existence of utilities within the ground along the south edge of Adams Avenue, between the entire length, from 14th Street to the alley located between 14th and 15th Streets (the alley forms the east border of the property, as shown in the attached survey). This search encompassed the entire subject area, as follows:

- Our search included a thorough search of the City's utility maps showing "as-built" utilities in the ground. No public utilities have been located in any of the terrain included in our request to vacate right-of-way.
- Our team also requested utilities locators from each of the likely public utility companies, who then conducted field investigations and reported back to us that they found no

utilities within the areas that are the subject of this letter-request. These included answers from Cascade Natural Gas, Puget Power, Century Link, City Public Works (sanitary sewer and water), as described in the attached narrative.

Julie and Steve do believe, however, that two accommodations are warranted.

- There is an overhead power line supported by *poles that are located outside this area*. Julie and Steve are willing to underground that power line in the street or the strip of grass between the sidewalk and the street.
- There is a private sanitary sewer line extending from the alley northward, across the northeast corner of the subject area, to the City's main line in the street, which we would propose stay in place. That line was physically identified during construction. Julie and Steve will grant the adjoining owner a permanent easement for continued use and maintenance of this private sanitary sewer line.

In conclusion, please accept this cover letter and attached materials as our formal request to vacate the ten-foot utilities easement on the McMinn/Trimingham property and the eight-foot portion of right-of-way adjacent to the south edge of the sidewalk at Adams Avenue. Thank you for your review of these materials and our request. Please call or write to me if I can provide any assistance that would help expedite this matter for City Council review and decision.

Very truly yours,



Tom Ehrlichman

encl.: Attachments: Exhibits 1-5

cc: Julie Trimingham
Steve McMinn

ATTACHMENTS

As requested in your *Procedure for Relinquishment* notice, we offer the following exhibits for your review and possible use in a City Council resolution or ordinance:

- Exhibit 1A: A map capable of being used as a recording exhibit, showing:
 - The existing property line for the Trimmingham/McMinn ownership;
 - The 10-foot City utility easement within that ownership that we seek to have relinquished by the City Council; and
 - The approximately 8-foot portion of Adams Avenue right-of-way that we seek to have relinquished by the City Council (extending from the south edge of the existing Adams Avenue sidewalk);

[Note: This exhibit is provided temporarily; the correct exhibit is being completed by the applicants' surveyor, and will be submitted forthcoming in the very near future.]

- Exhibit 1B: Council Ordinance No. 6826 retaining a utility easement to the 10-foot utility area, reserved when the Bellingham City Council vacated the southerly 10 feet of Adams Avenue, at this location;
- Exhibits 2A-1 through 2A-4:

[Note: These exhibits are also being prepared by the applicant's surveyor and will be completed in the very near future for submittal.]

- Exhibit 2A-1: A full legal description of **the property as it currently exists** that is currently burdened by the existing ten-foot easement that we seek to have relinquished by the City Council, capable of being used as a recording exhibit;
- Exhibit 2A-2: A full legal description of **the 8-foot portion** of the Adams Avenue right-of-way, capable of being used as a recording exhibit for the right-of-way segment that we seek to have relinquished by City Council action, adjacent to the sidewalk on the south side of Adams Avenue, between 14th Street and the alley to the east; and
- Exhibit 2A-3: A full legal description of **the 10-foot utilities easement**, capable of being used as a recording exhibit for the easement we seek to have relinquished by City Council action, along the south side of the existing Adams Avenue right-of-way, between 14th Street and the alley to the east;
- Exhibit 2A-4: A full legal description of **the property as it will exist upon approval of the requested relinquishment** of the existing ten-foot easement and the approximately 8-foot portion of Adams Avenue right-of-way, capable of being used as a recording exhibit;
- Exhibit 2B: A recent title policy for the property described in Exhibit 2A-1, above;
- Exhibit 3: The names and contact numbers for the legal owners of the burdened parcel;

We conclude that the 18-foot wide area we seek to have relinquished was not used historically for utilities and also will not be useful in the future for locating future utilities,

based upon the following:

- Exhibit 4A(1-3): The City's utilities maps showing the non-existence of any sanitary sewer, storm, electrical, natural gas or any other utility lines in the area;
- Exhibit 4A(1-3): The City's utilities maps showing the non-existence of any sanitary sewer, storm, electrical, natural gas or any other utility lines in the area;
- Exhibits 4B: The record of on-ground utility locating service reports compiled by the project general contractor, including notes of the utility company contacts, photographs and written reports from various utilities, all confirming the conclusions in the City's utilities maps – no utilities; Reports of “no utilities” received from Puget Sound Energy, Century Link, City of Bellingham (water and sanitary sewer), Cascade Natural Gas.
- Exhibits 5A-E: Photographs documenting the existence of historical retaining walls along the south side of Adams Avenue. These photographs of decades old retaining walls within the 18-foot section south of Adams Street sidewalk along its entire length again confirms that this area was never used in the past for utilities extensions, we believe because of inhospitable soils types (sandstone).



DYKES EHRlichMAN

Land Use, Real Estate, & Environmental Law

April 9, 2019

Via Electronic Mail:
lrexroat@cob.org

Department of Public Works
City of Bellingham
Attention: Lance Rexroat, Property Acquisition Specialist
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225

Re: Request to Terminate Utility Easement on Adams Avenue,
Located Between 14th and 15th Streets

Dear Mr. Rexroat,

The enclosed provides the exhibits previously under development and not yet complete when we last wrote to you on February 27, 2019 in the above-referenced matter. Please refer to that letter for the background on this request to terminate the 10-foot utility easement for the benefit of the Trimmingham and McMinn rebuilt residence, located at 601 14th Street.

I appreciated your determination sent to me on March 7, 2019 via electronic mail, that Public Works had determined the utility easement is surplus property, due to the lack of any City infrastructure or utilities within that area.

Please accept the enclosed exhibits as supplemental to our prior letter-request. I believe the packet is now complete and conforms to the process described in the information you provided to me. The packet is comprised of our letter dated February 27, 2019 and the exhibit packet attached hereto, containing Exhibits 1 – 6. Where needed, the legal descriptions and maps are capable of being recorded. Their titles are easily changed to conform to your process, as needed.

Thank you for your courtesy in this matter. I would appreciate receiving an update from you when this request is ready for notice to franchises and to proceed to a public hearing for City Council review.

Very truly yours,

Tom Ehrlichman
encl.

cc: Julie Trimmingham
Steve McMinn

P.O. Box 1271
Freeland, WA 98249
(425) 268-5553
tom@dykesehrlichman.com

ATTACHMENTS

As requested in your *Procedure for Relinquishment* notice, we offer the following exhibits for your review and possible use in a City Council resolution or ordinance. Please note that we are seeking relinquishment of the entire 10-foot utility easement:

- Exhibit 1A: A map and full legal description capable of being used as a recording exhibit, showing:
 - The existing property line for the Trimmingham/McMinn ownership; this will remain unchanged after relinquishment of the utility easement; and
 - The location of the existing 10-foot City utility easement (located within that existing ownership), to be relinquished;
- Exhibit 1B: Council Ordinance No. 6826 retaining a utility easement to the 10-foot utility area, reserved when the Bellingham City Council vacated the southerly 10 feet of Adams Avenue, at this location;
- Exhibit 2A-1: [This exhibit is provided for informational purposes only].

A map and full legal description of the Adams Avenue right-of-way, capable of being used as a recording exhibit, adjacent to the sidewalk on the south side of Adams Avenue, between 14th Street and the alley to the east, north of and adjacent to the McMinn/Trimingham property; and
- Exhibit 2A-2: A full legal description of the 10-foot utilities easement to be relinquished, capable of being used as a recording exhibit for the utility easement, along the south side of the existing Adams Avenue right-of-way, between 14th Street and the alley to the east (as shown in Exhibit 1A);
- Exhibit 2B: A recent title policy for the property described in Exhibits 1A and 2A-2, above;
- Exhibit 3: The names and contact numbers for the legal owners of the burdened parcel;
- Exhibit 4: Documentation locating and disclosing the absence of utilities within the area to be vacated;

We conclude that the 18-foot wide area we seek to have relinquished was not used historically for utilities and also will not be useful in the future for locating future utilities, based upon the following:

- Exhibit 4A(1-3): The City's utilities maps showing the non-existence of any sanitary sewer, storm, electrical, natural gas or any other utility lines in the area;
- Exhibits 4B: The on-ground utility locating service reports confirming the conclusions in the City's utilities maps;
- Exhibit 4C: Photographs of on-ground utility location markers confirming no gas lines or other utilities;
- Exhibit 5: Photographs showing the solid cement walls built in 1927 within the right-of-way, including the wall temporarily removed to reconstruct the home and build the new ADU (shown to the left of the green dumpster); and
- Exhibits 6A-E: Photographs documenting the existence of historical retaining walls on neighboring properties within the utility right-of-way, making it difficult and expensive for utilities, again confirming that the area was never used in the past for utilities extensions, we believe because of inhospitable soils types (sandstone).



DYKES EHRLICHMAN

Land Use, Real Estate, & Environmental Law

April 26, 2019

Via Electronic Mail:
lrexroat@cob.org
Tel: (360) 77-7981

Department of Public Works
City of Bellingham
Attention: Lance Rexroat, Property Acquisition Specialist
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225

Re: Request for Partial Relinquishment of Utility Easement
Adams Avenue, Located Between 14th and 15th Streets

Dear Mr. Rexroat,

As you know, from my correspondence to you dated February 17 and April 9, 2019, our clients, Julie Trimmingham and Steve McMinn own a residence located at 601 14th Street. At your request, I am providing a third letter requesting "Partial Relinquishment of Utility Easement" and our complete packet of exhibits, updated to reflect the requirements you described in your email to me dated April 11, 2019.

We appreciated receiving your email dated March 7, 2019, in response to our first letter, in which you stated:

I have reviewed your packet with two of our project engineers and have concluded that this area is surplus to the City's current and future needs for utility services, and are comfortable relinquishing this retained easement area.

This is a straightforward request to the City Council to approve a resolution relinquishing that portion of a retained 10-foot utility easement, located along the south edge of the Adams Avenue right-of-way. Our request is "partial," relating only to that portion for the lot at 601 14th Street. This request does not include any request to vacate right-of-way; that will be a separate matter.

Attached is an index of the Exhibit packet included in this letter. This packet contains the recent title report for the residence. It also contains the updated exhibits that conform to your detailed form requirements, described in your email dated April 11, 2019. Please keep this packet as one unit for transmittal to the City Council. Please also include the cover letters (without exhibits) we submitted to you on February 17 and April 9; these contain the rationale for our request.

Thank you again for your assistance in preparing the soonest possible submittal to the Council.

Very truly yours,

Tom Ehrlichman
encl.

cc: Julie Trimmingham
Steve McMinn

P.O. Box 1271
Freeland, WA 98249
(425) 268-5553
tom@dykesehrlichman.com

ATTACHMENTS

As requested in the email from Public Works, dated April 11, 2019, we offer the attached exhibits, described in the following table:

Exhibits for Partial Relinquishment of Utility Easement		
TYPE OF EXHIBIT:	EXHIBIT TITLE:	CONTENT:
I. RESOLUTION EXHIBITS:		
	“ <u>EXHIBIT A:</u> Depiction of the RETAINED UTILITY EASEMENT”	A map showing the entire 10-foot utility easement located between 14 th and 15 th Streets
	“ <u>Exhibit B:</u> Legal Description of the RETAINED UTILITY EASEMENT TO BE RELEASED”	Legal description for that portion of the 10-foot utility easement located within the McMinn/Trimingham parcel, which we are seeking to have “released” by the City
	“ <u>Exhibit C:</u> Depiction of the RETAINED UTILITY EASEMENT AREA TO BE RELEASED”	Map showing the area described in Exhibit B (Resolution)
II. RELINQUISHMENT EXHIBITS:		
	“ <u>Exhibit A:</u> Legal Description of the BURDENED PROPERTY.”	Legal description of the entire McMinn/Trimingham parcel, including the 10- foot utility easement
	“ <u>Exhibit B:</u> Legal Description of the RETAINED EASEMENT”	Legal description of the entire City easement area; also depicted in Exhibit A in the first section, above (Resolution).

Exhibits for Partial Relinquishment of Utility Easement		
TYPE OF EXHIBIT:	EXHIBIT TITLE:	CONTENT:
II. RELINQUISHMENT EXHIBITS (continued):		
	“ <u>Exhibit C</u> : Depiction of the RETAINED EASEMENT AREA	Map for Exhibit B area; same area as shown in map Exhibit A, above (Resolution), different title
	“ <u>Exhibit D</u> : Legal Description of the EASEMENT AREA TO BE RELEASED”	Note: exact same legal description as Exhibit B, in the first section above (Resolution), different title
	“ <u>Exhibit E</u> : Depiction of the EASEMENT AREA TO BE RELEASED”	Map for Exhibit D; also exact same map as Exhibit C, in the first section above (Resolution), different title
III. OTHER EXHIBITS FOR USE DURING REVIEW:		
	“Exhibit 1”	Council Ordinance No. 6826 retaining a utility easement to this area when the Bellingham City Council vacated the southerly 10 feet of Adams Avenue, at this location
	“Exhibit 2”	Recent title report for the burdened property, including that portion of the 10-foot utility easement retained there
	“Exhibit 3”	The names and contact numbers for the legal owners of the burdened parcel

Exhibits for Partial Relinquishment of Utility Easement		
TYPE OF EXHIBIT:	EXHIBIT TITLE:	CONTENT:
III. OTHER EXHIBITS FOR USE DURING REVIEW (continued):		
	“Exhibit 4”	Documentation locating and disclosing any utilities within the area to be vacated (NONE);
	“Exhibit 5”	Photographs documenting the historical concrete retaining walls on this and neighboring properties within the right-of-way, toward Adams Avenue from the 10-foot utility easement.



Bellingham City Council

BELLINGHAM CITY COUNCIL NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a public hearing on **July 1, 2019, at 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:

Proposed resolution of the Bellingham City Council providing for the City to partially relinquish, pursuant to RCW 35.94.040, a general utility easement retained In Ordinance 6829, which is located in the vacated southerly 10 foot right-of-way of Adams Avenue between 14th Street and 15th Street, abutting Lot 24 in Block 34, of Bellingham Land Company's First Addition to Fairhaven, recorded under auditor file number 4943, Volume 2, Page 98 of Plats, records of Whatcom County, Washington; commonly known as 601 14th Street, Bellingham, Washington, APN: 370201 202439 0000, on the grounds that said easement is surplus to the City's needs and is not required for providing continued public utility services.

Detailed information can be found at: www.cob.org/meetings five days prior to the public hearing.

Staff Contact: Lance Rexroat, 778-7981, lrexroat@cob.org

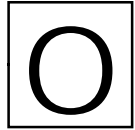
Anyone wishing to comment is invited to attend, or send comments to the Council Office, 210 Lottie Street, ccmail@cob.org, or fax 778-8101 to be received prior to 10:00 AM on Tuesday, June 25, 2019, to be included in the agenda packet. Comment received after that will be distributed to Council, but not included in the published packet.

The Council Chambers is fully accessible. Elevator access to the second floor is available at the west entrance. Hearing assistance is available from the Clerk. Contact the Legislative Assistant at 778-8200 for additional assistance prior to the meeting. Thank you.

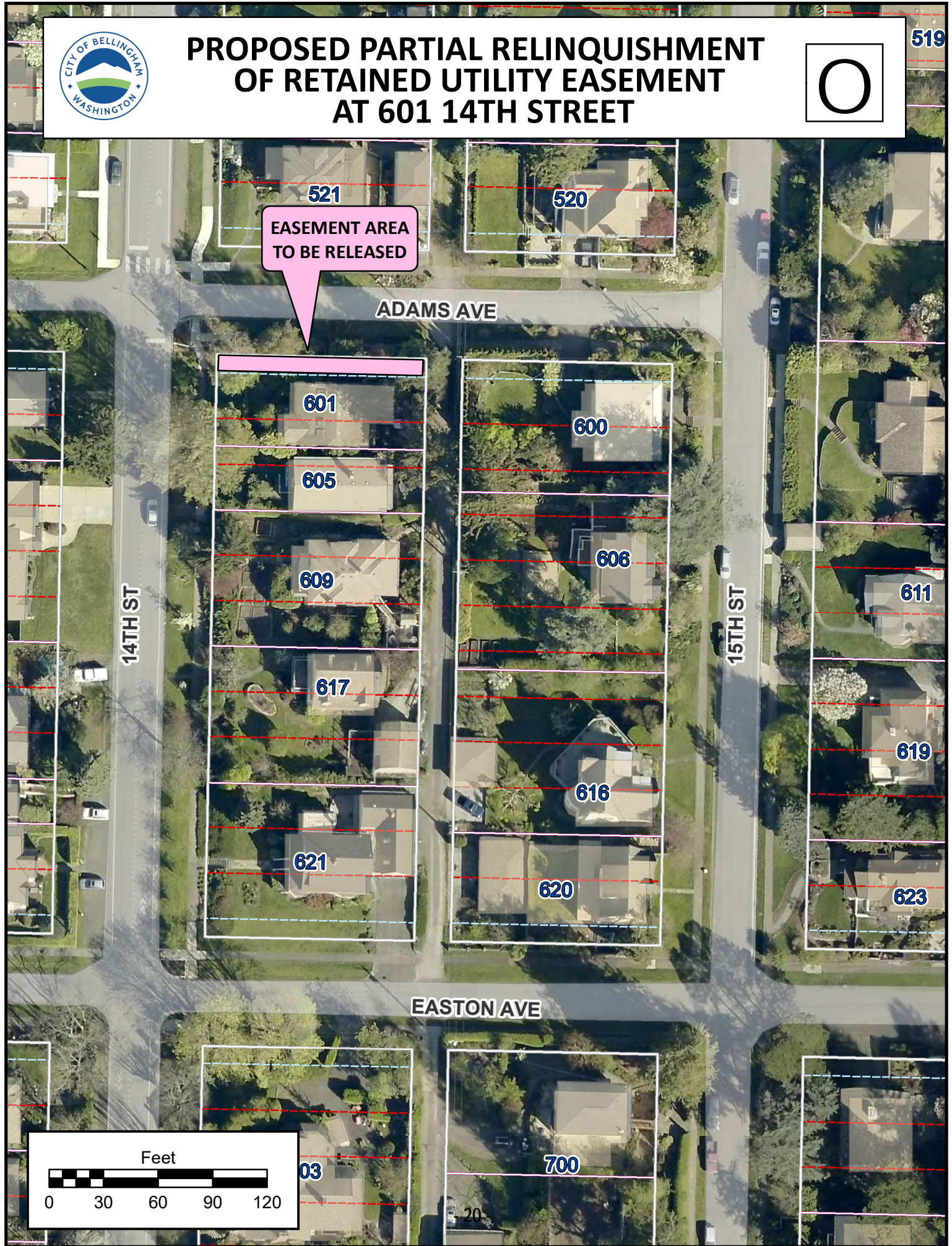
Publication date: June 7, 2019



PROPOSED PARTIAL RELINQUISHMENT OF RETAINED UTILITY EASEMENT AT 601 14TH STREET



519



RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BELLINGHAM, WASHINGTON AUTHORIZING RELINQUISHMENT OF A UTILITY EASEMENT RETAINED IN THE VACATED SOUTHERLY 10 FOOT PORTION OF ADAMS AVENUE, BETWEEN 14TH STREET AND 15TH STREET, THAT IS SURPLUS TO THE CITY'S NEEDS

WHEREAS, on July 7, 1952, the City of Bellingham passed Ordinance 6826, vacating 10 feet on each side of Adams Avenue, from 14th Street to the west line of Lysle Donation Claim, lying easterly of Highland Drive, retaining a utility easement within this vacated corridor for existing and future public utilities as depicted in Exhibit A hereto attached ("**Retained Easement**"); and

WHEREAS, to facilitate development of the land adjacent to the south of vacated Adams Avenue the owners of Lot 24, Block 34 in the Plat of Bellingham Bay Land Company's First Addition to Fairhaven, (Assessor's parcel #: 370201 202439 0000) Julie Trimmingham and Steve McMinn, have requested that the City relinquish a portion of its Retained Easement as described and depicted in Exhibit B and Exhibit C hereto attached (hereinafter, the "**Relinquishment Area**"); and

WHEREAS, RCW 35.94.040 authorizes the City to lease, sell or convey property originally acquired for utility purposes if, following a public hearing, City Council determines by resolution that such property is surplus to the City's needs and is not needed for continued utility service; and

WHEREAS, surplus utility easements are typically relinquished at no cost to the property owner because the City usually acquires such easements at no cost to the City and because the easements generally cannot be conveyed to third parties; and

WHEREAS, the City's Public Works Department has determined that the proposed Relinquishment Areas are or will be surplus to the City's needs and are no longer needed for continued utility service; and

WHEREAS, a public hearing was held on July 1, 2019 by the City Council to consider relinquishing the Relinquishment Areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM THAT:

The mayor is authorized to execute all documents necessary to relinquish the Relinquishment Areas, as defined herein. The relinquishment shall be in a form approved by the Office of the City Attorney.

PASSED by the Council this _____ day of _____, 2019.

Council President

APPROVED by me this _____ day of _____, 2019.

Kelli Linville, Mayor

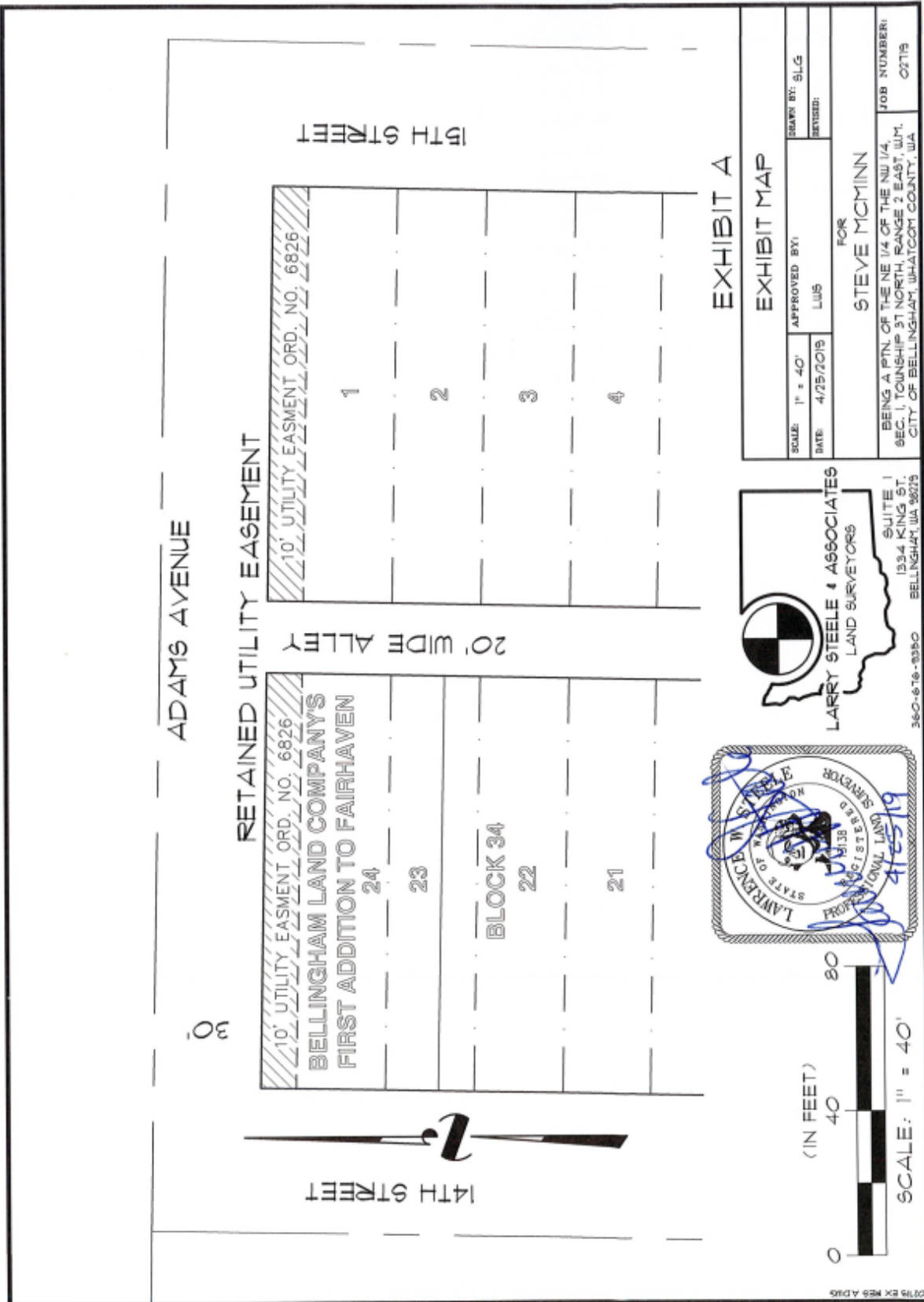
ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

INSERT ORIGINAL EXHIBITS – IMAGES BELOW ARE COPIES



**LEGAL DESCRIPTION
FOR
EXHIBIT B**

RETAINED UTILITY EASEMENT TO BE RELEASED

The vacated South 10 feet of Adams Avenue abutting Lot 24, Block 34, plat of Bellingham Bay Land Co's First Addition to Fairhaven, Washington, now a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in Volume 2 of plats, Page 98, records of Whatcom County, Washington, pursuant to Ordinance No. 6826.

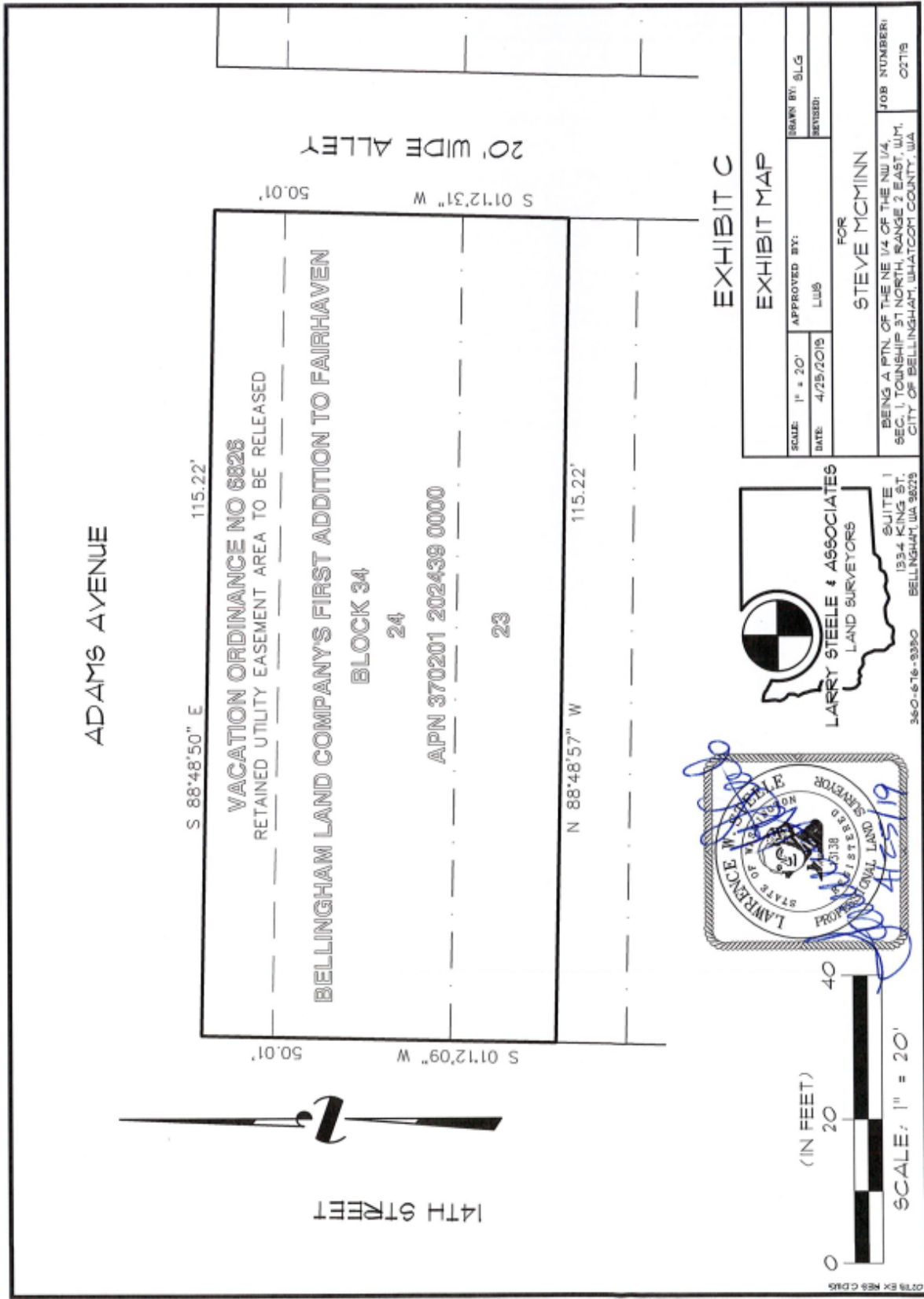
Containing 1,152 square feet.

Situate in Whatcom County, Washington.



Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Ste. 1
Bellingham WA 98229
360-676-9350
Job #02719
April 22, 2019

S:_LSA Project Files_2019 Projects\2019-027 McMinn, Steve_Legal Descriptions\02719_Legal-Desc_Exhibit-B_042219.doc



AFTER RECORDING RETURN TO:
City of Bellingham – Public Works, Engineering
210 Lottie Street
Bellingham, WA 98225

Title of Document: **Partial Relinquishment of Utility Easement**

Reference Number: Ordinance # 6829

Grantor: City of Bellingham

Grantee: Julie Trimmingham and Steve McMinn

Abbreviated
Legal Description: Portion of Lot, Lot 24, Block 34, Bellingham Bay Land Co's
First Addition to Fairhaven, (Complete Legal Description at
pg. 8 of this document)

Assessor's
Tax Parcel No.: Geographic ID: 370201 202439 0000

THIS PARTIAL RELEASE OF UTILITY EASEMENT ("Agreement") is entered into by and between the CITY OF BELLINGHAM, a first-class city and municipal corporation of the State of Washington (the "City"), and JULIE TRIMINGHAM and STEVE MCMINN, ("**Owners**").

WHEREAS, Owners own certain real property located in Whatcom County, Washington, commonly known as 601 14th Street, Bellingham, WA, and legally described in Exhibit A hereto (the "**Property**"); and

WHEREAS, the Property is subject to a utility easement in favor of the City of Bellingham (the "City"), legally described in Exhibit B hereto and graphically depicted in Exhibit C hereto (the "**Easement**"), which the City reserved as part of the overlapping street vacation (see City Ordinance Number 6829); and

WHEREAS, Owners have requested that the City relinquish the portion of the Easement legally described in Exhibit D and graphically depicted in Exhibit E (identified as the "**Relinquished Easement Area**") to facilitate development of the Property; and

WHEREAS, the Bellingham City Council has determined that the Relinquished Easement Area is surplus to the City's utility needs (see City Resolution No _____).

RECORDED: PAGE 1 of 9

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City of Bellingham partially releases the Easement as follows:

1. The City relinquishes its interest in that portion of the Easement legally described in Exhibit D and graphically depicted in Exhibit E (identified as the "Relinquished Easement Area").

2. The City retains the remainder of the Easement not relinquished by this or any other relinquishments.

EXECUTED this _____ day of _____, 2019 by **OWNERS**:

Print Name

Signature

Print Name

Signature

EXECUTED this _____ day of _____, 2019 by for the **CITY OF BELLINGHAM** by:

Departmental Approval:

Mayor

Director of Public Works

Attest:

Approved as to Form:

Finance Director

Office of the City Attorney

RECORDED:

PAGE 2 of 9

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that before me personally appeared **JULIE TRIMINGHAM**, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

DATED this ____ day of _____, 2019.

Notary (print name) _____
Notary Public in and for the State of Washington,
residing at _____
My Appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that before me personally appeared **STEVE MCMINN**, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

DATED this ____ day of _____, 2019.

Notary (print name) _____
Notary Public in and for the State of Washington,
residing at _____
My Appointment expires _____

RECORDED: PAGE 3 of 9

**LEGAL DESCRIPTION
FOR
EXHIBIT A**

BURDENED PROPERTY

The North 15 feet of Lot 23, and all of Lot 24, Block 34, plat of Bellingham Bay Land Co's First Addition to Fairhaven, Washington, now a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in Volume 2 of plats, Page 98, records of Whatcom County, Washington; together with the vacated South 10 feet of Adams Street abutting Lot 24, pursuant to Ordinance No. 6826.

Situate in Whatcom County, Washington.



Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Ste. 1
Bellingham WA 98229
360-676-9350
Job #02719
April 22, 2019

S:_LSA Project Files_2019 Projects\2019-027 McMinn, Steve_Legal Descriptions\02719_Legal-Desc_Exhibit-A_042219.doc

RECORDED:

PAGE 5 of 9

**LEGAL DESCRIPTION
FOR
EXHIBIT B**

RETAINED EASEMENT

The vacated South 10 feet of Adams Avenue abutting Lots 1 and 24, Block 34, plat of Bellingham Bay Land Co's First Addition to Fairhaven, Washington, now a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in Volume 2 of plats, Page 98, records of Whatcom County, Washington, pursuant to Ordinance No. 6826.

Containing 2,304 square feet.

Situate in Whatcom County, Washington.

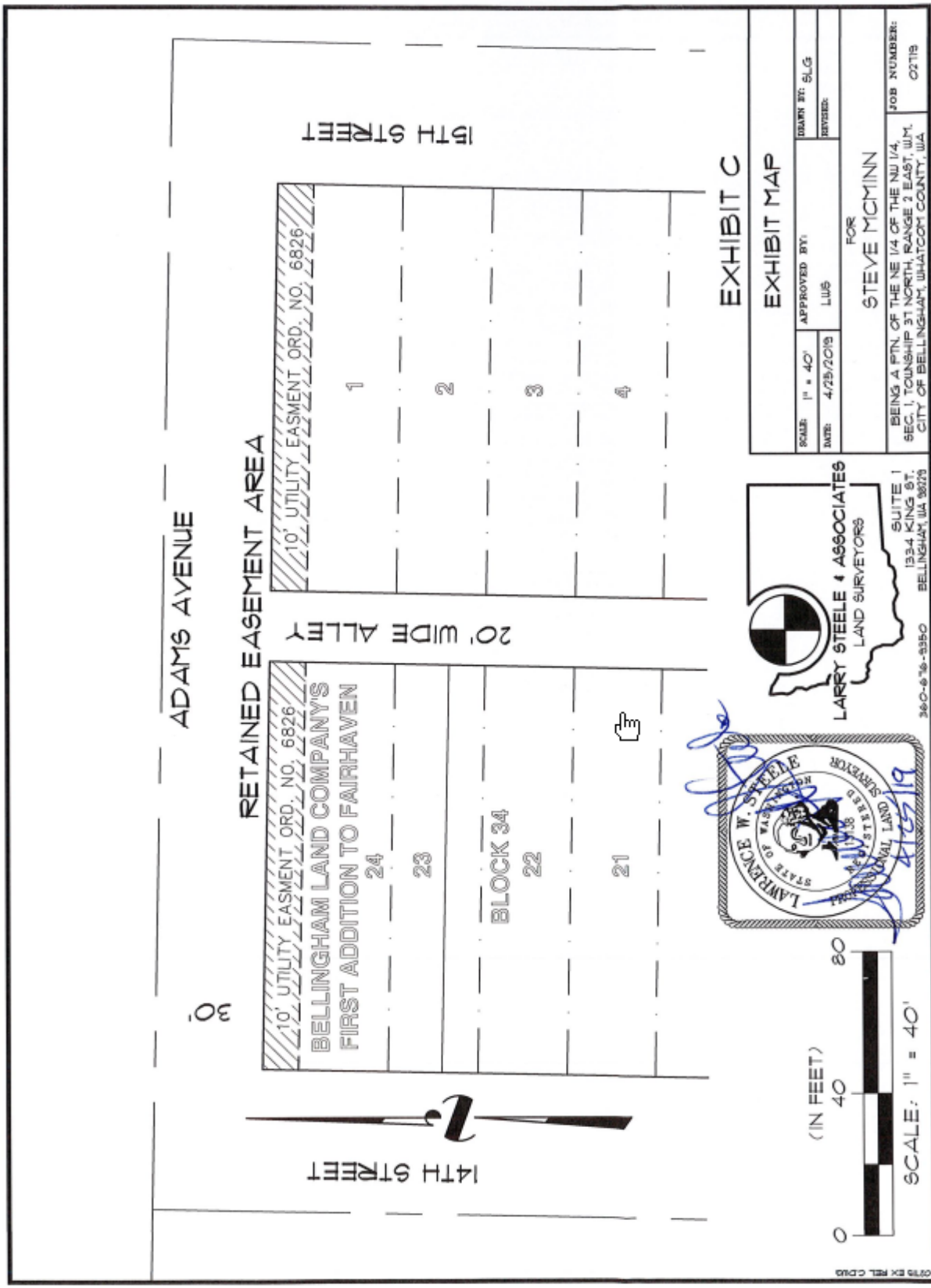


Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Ste. 1
Bellingham WA 98229
360-676-9350
Job #02719
April 25, 2019

S:_LSA Project Files\2019 Projects\2019-027 McMinn, Steve_Legal Descriptions\02719_Legal-Desc_Exhibit-REL B_042519.doc

RECORDED:

PAGE 6 of 9



RECORDED:

PAGE 7 of 9

**LEGAL DESCRIPTION
FOR
EXHIBIT D**

EASEMENT AREA TO BE RELEASED

The vacated South 10 feet of Adams Avenue abutting Lot 24, Block 34, plat of Bellingham Bay Land Co's First Addition to Fairhaven, Washington, now a part of the consolidated City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in Volume 2 of plats, Page 98, records of Whatcom County, Washington, pursuant to Ordinance No. 6826.

Containing 1,152 square feet.

Situate in Whatcom County, Washington.

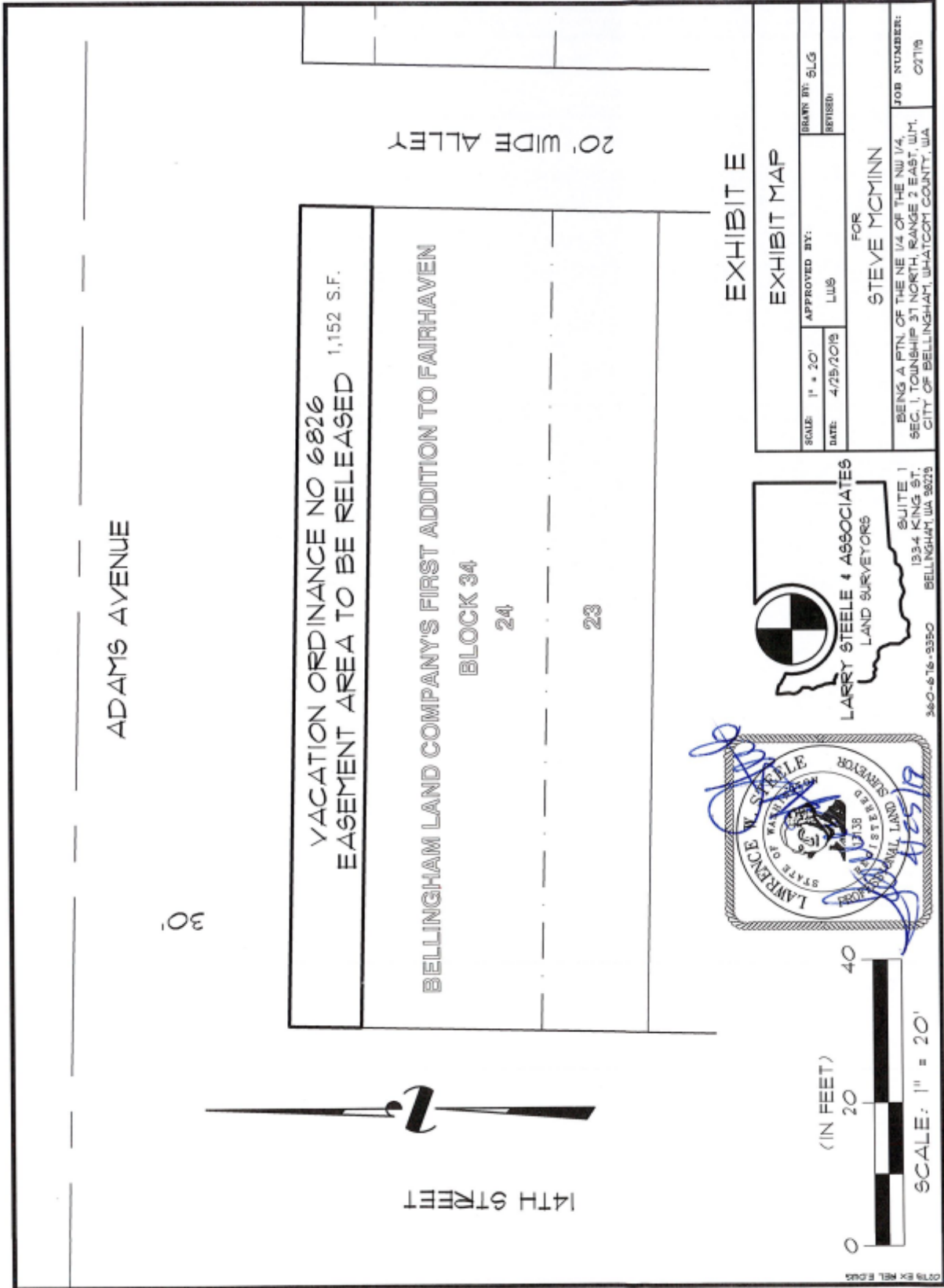


Prepared by Larry Steele & Associates, Inc.
Land Surveyors
1334 King Street, Ste. 1
Bellingham WA 98229
360-676-9350
Job #02719
April 22, 2019

S:_LSA Project Files\2019 Projects\2019-027 McMinn, Steve\Legal Descriptions\02719_Legal-Desc_Exhibit-D_042219.doc

RECORDED:

PAGE 8 of 9



RECORDED:

PAGE 9 of 9



City Council Agenda Bill

22350

Bill Number

Subject: **Proposed Ordinance Accepting Donation of Ruston Way Stormwater Facility**

Summary Statement: Ruston Way Homeowners Association is the owner of the subject stormwater facility (recently annexed into the City) and would like to donate the facility to the City of Bellingham. Acceptance of this donation would ensure the proper maintenance of the facility and would be consistent with public ownership of stormwater facilities throughout the City. The City completed a Phase I Environmental Site Assessment and a title review of the subject property. No environmental or title concerns were identified. Staff recommends that Council accept the donation by adopting the attached proposed ordinance as authorized by Chapter 4.90 of the Bellingham Municipal Code.

Previous Council Action: *N/A*

Fiscal Impact: **Closing costs estimated not to exceed \$2,000. Regular, ongoing maintenance costs are estimated between \$3,000-\$4,000 annually. Funding will come from the Stormwater Fund as regular operating and maintenance (O&M) expenses.**

Funding Source: **Stormwater Fund**

- Attachments:
1. RUSTON WAY STORMWATER FACILITY ORDINANCE
 2. RUSTON WAY STORMWATER FACILITY ORDINANCE - EXHIBIT A
 3. RUSTON WAY STORMWATER FACILITY MAP

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	7/01/2019	Pass Ordinance	Ted Carlson, PW Director	5 minutes

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Matt Gossett 778-7980

Reviewed By	Department	Date
<i>Ted A. Carlson</i>	Public Works	6/24/2019

Council Action:

<i>Matthew T. Stamps</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE DONATION OF REAL PROPERTY AND IMPROVEMENTS KNOWN AS THE RUSTON WAY STORMWATER FACILITY

WHEREAS, Bellingham Municipal Code ("BMC") 4.90.020 provides that City Council may, by ordinance, accept any real property donated, devised or bequeathed to the City of Bellingham (the "City"); and

WHEREAS, Toad Creek Vista Homeowners Association is the owner of a stormwater facility situated upon a .25 acre parcel of real property located in the vicinity of Ruston Way and Mt. Baker Highway in Bellingham, Washington, which is legally described and depicted in Exhibit A hereto (the "Property"); and

WHEREAS, Toad Creek Vista Homeowners Association has offered to donate the Property to the City; and

WHEREAS, City Council has determined that acceptance of the Property is consistent with the City's ownership and management of other stormwater facilities throughout the City; and

WHEREAS, City Council has further determined that it is in the best interests of the City to accept the Property to ensure proper maintenance of the stormwater facility.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES HEREBY ORDAIN AS FOLLOWS:

Pursuant to BMC 4.90.020, the City hereby accepts the donation of the Property, as legally described and depicted in Exhibit A hereto. Said donation shall be by deed approved by the Office of the City Attorney.

PASSED by the Council this _____ day of _____, 2019.

Council President

APPROVED by me this _____ day of _____, 2019.

Mayor

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270

Exhibit A

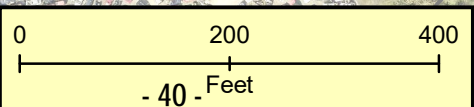
STORM WATER DETENTION OPEN SPACE, PLAT OF TOAD CREEK VISTA, ACCORDING TO THE PLAT THEREOF, RECORDED ON NOVEMBER 29, 2001, UNDER AUDITOR'S FILE NO. 2011104385, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

[See location map attached.]



RUSTON WAY STORMWATER FACILITY DONATION - .25 ACRES -





City Council Agenda Bill

22351

Bill Number

Subject: Approve An Ordinance of the City of Bellingham, Granting Verizon Wireless a Franchise to Operate and Maintain Small Cell Facilities in the City Rights-of-Way for the Provision of Wireless Telecommunications Services

Summary Statement: Verizon Wireless, a wireless services provider, has applied for a City-wide franchise to operate and maintain small cell facilities in the City rights-of-way. The Public Works Director has reviewed the franchise application against the requirements in BMC 13.15 and recommends approval.

Previous Council Action: 9/10/18 Adopted Ordinance 2018-09-015 creating new BMC Chapter 13.15

Fiscal Impact: Resolution 2018-25 sets the franchise application fee at \$1,500

Funding Source: **Street Fund (111)**

- Attachments:
1. VERIZON WIRELESS FRANCHISE ORDINANCE 5.3.19
 2. BELLINGHAM MUNICIPAL CODE 13.15.050
 3. FRANCHISE APPLICATION

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	7/01/2019	Vote to Approve	Ted Carlson, PW Director	5 minutes

Recommended Motion:

Council Committee:
Public Works and Natural Resources
Committee

Agenda Bill Contact:
Ted Carlson, PW Director 778-7998

Reviewed By	Department	Date
<i>Ted A. Carlson</i>	Public Works	6/24/2019

Council Action:

<i>Matthew T. Stamps</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019

ORDINANCE _____

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON GRANTING VERIZON WIRELESS (VAW) LLC d/b/a VERIZON WIRELESS A FRANCHISE TO OPERATE AND MAINTAIN SMALL CELL FACILITIES IN CITY RIGHTS-OF-WAY FOR THE PROVISION OF WIRELESS TELECOMMUNICATIONS SERVICES

WHEREAS, the City of Bellingham (the “City”) is authorized under state law, Chapter 35.99 Revised Code of Washington (“RCW”), to regulate and permit the operation and maintenance of facilities in City rights-of-way for the provision of wireless telecommunications services; and

WHEREAS, Chapter 13.15 of the Bellingham Municipal Code (“BMC”) requires persons who are seeking to operate and maintain wireless telecommunications facilities in City rights-of-way to obtain a franchise to do so, granted by ordinance; and

WHEREAS, Verizon Wireless (VAW) LLC d/b/a Verizon Wireless (“Verizon”) has applied for a city-wide franchise to operate and maintain small cell facilities in City rights-of-way for the provision of wireless telecommunications services to the public; and

WHEREAS, the City’s Public Works Director has reviewed Verizon’s franchise application against the requirements of BMC 13.15 and has recommended approval; and

WHEREAS, City Council has reviewed Verizon’s franchise application against the requirements of BMC 13.15, including the factors listed in BMC 13.15.050, and has determined that the application should be approved, and a franchise granted, in accordance with applicable law; and

WHEREAS, notice of this “Franchise Ordinance” has been published once per week for four consecutive weeks in the Bellingham Herald in accordance with the requirements of BMC 13.15.050.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELLINGHAM DOES HEREBY ORDAIN that a franchise is hereby granted to Verizon Wireless (VAW) LLC d/b/a Verizon Wireless upon the following terms and conditions:

**CITY OF BELLINGHAM – VERIZON WIRELESS (VAW) LLC
TELECOMMUNICATIONS FRANCHISE AGREEMENT
SMALL CELL FACILITIES IN CITY RIGHTS-OF-WAY**

1. **Definitions.** The terms used in this Franchise shall have the meaning ascribed to them in BMC 13.15 and 13.16. In addition:

- 1.1 “BMC” means the Bellingham Municipal Code.
- 1.2 “City” means the City of Bellingham, Washington.

1.3 “City rights-of-way” means rights-of-way located within City limits. The term “right-of-way” is defined in BMC 13.15.

1.4 “Franchise” means this franchise ordinance and agreement.

1.5 “Franchisee” means Verizon Wireless (VAW) LLC d/b/a Verizon Wireless, a Delaware limited liability company authorized to do business in the State of Washington under UBI #602057104.

2. **Grant of Franchise.** Pursuant to BMC 13.15 and the terms and conditions contained herein, the City hereby grants Franchisee a nonexclusive, city-wide Franchise to construct, support, install, operate, maintain, repair, upgrade, replace, or remove small cell facilities within, upon, over, under, along, and across City rights-of-way for the provision of wireless telecommunications services to the public.

3. **General Terms and Conditions.** The general terms and conditions of this Franchise are contained in BMC 13.15, incorporated herein by reference as if fully set forth herein. Any violation of BMC 13.15 shall be deemed a violation of this Franchise.

4. **Term.** The term of this Franchise is ten (10) years, commencing on the date of Franchisee’s written acceptance of this Franchise, subject to renewal as provided in BMC 13.15.

5. **Small Cell Permit Requirements.** Franchisee shall comply with all small cell permit requirements contained in BMC 13.16.

6. **Attachment to City Light Poles.** This Franchise, alone, does not grant or confer any right upon Franchisee to attach facilities to City light poles. Attachment to City light poles requires additional authorization from the City in the form of a lease or license agreement approved by the mayor in accordance with BMC 13.16.120. Such facilities must also comply with the small cell permitting requirements contained in BMC 13.16.

7. **Performance Bond.** The amount of the performance bond required under BMC 13.15.220 shall be in the sum of Fifty Thousand Dollars (\$50,000.00).

8. **Insurance.** Franchisee shall provide the City with a certificate of insurance, together with copies of all endorsements and/or blanket policy language relied upon by Franchisee to establish insurance coverage that is substantially consistent with the requirements set forth in BMC 13.15.200 prior to applying for any small cell permit or within thirty (30) days of commencement of this Franchise, whichever occurs first. Any material deviations from the insurance requirements contained in BMC 13.15.200 must be approved by the Office of the City Attorney.

9. **Title 51 Waiver.** FOR THE SOLE AND LIMITED PURPOSE OF EFFECTUATING FRANCHISEE’S DEFENSE AND INDEMNIFICATION OBLIGATIONS TO THE CITY UNDER BMC 13.15.210, FRANCHISEE HEREBY WAIVES ANY IMMUNITY IT MAY HAVE UNDER THE WASHINGTON INDUSTRIAL INSURANCE ACT, TITLE 51 RCW.

10. **License and Tax.** This Franchise does not exempt Franchisee from any applicable license, tax, fee or charge. Failure to pay timely any applicable tax, fee or charge to the City, or to obtain any applicable registrations or licenses required by the City, shall constitute a violation of this Franchise and shall be grounds for revocation.

11. **BMC References.** All references to the Bellingham Municipal Code shall be construed to mean the code as presently constituted or hereafter amended or recodified.

12. **Notice.** All notices required or permitted hereunder shall be in writing and delivered in person or by U.S. Mail or nationally recognized overnight carrier, addressed as follows:

To the City: City of Bellingham
 Attention: Public Works Director
 104 West Magnolia Street - Suite 109
 Bellingham, Washington 98225

With copy to:

Office of the City Attorney
210 Lottie Street
Bellingham, Washington 98225

To Franchisee: Verizon Wireless (VAW) LLC
 d/b/a Verizon Wireless
 180 Washington Valley Road
 Bedminster, New Jersey 07921
 Attention: Network Real Estate

With copy to:

Verizon Wireless (VAW) LLC
d/b/a Verizon Wireless
Attn: West Area Legal Counsel
15505 San Canyon Avenue
Irvine, CA 92618

The notice addresses provided above may be updated by written notice delivered in accordance with the requirements of this section.

13. **Jurisdiction and Venue.** In the event any suit, action or litigation arises concerning this Franchise, the venue of such suit, action or litigation shall be in the Superior Court for the State of Washington in and for the County of Whatcom. Franchisee stipulates to personal jurisdiction in said court and waives any right to have such suit, action or litigation heard in federal court on the

basis of diversity jurisdiction. If such suit, action, or litigation involves a federal question, than the venue of such suit, action, or litigation shall be the United States District Court for the Western District of Washington, located in Seattle, Washington.

14. **Acceptance.** This Franchise shall be void if Franchisee fails to execute and deliver its acceptance of the same to the Office of the City Attorney within thirty (30) days of the effective date of this ordinance. By executing the "Franchise Acceptance" at the bottom of this Franchise, Franchisee accepts and agrees to be bound by all its terms and conditions.

15. **Change of Law.** If any state or federal law sets forth a term or provision that is inconsistent with or different than this Franchise or the applicable BMC, then the Parties agree to discuss and, if appropriate, promptly amend this Franchise to effect the term or provision set forth under the applicable law.

16. **Fees.** For any fees due hereunder or pursuant to applicable law, the City shall submit to Franchisee statements/billings for such expenses. Franchisee shall make payment to the City in reimbursement of such undisputed expenses within thirty (30) days of the receipt of such statements/billings. If Franchisee, in good faith, disputes any portion of the administrative expenses, Franchisee shall pay the undisputed portion, if any, and provide written notice of the dispute within thirty (30) days of the receipt of the statement/billings from the City. Unless the City agrees to a modification of the statement/billings based on Franchisee's dispute notice, Franchisee and the City shall negotiate any dispute in good faith, and if they cannot reach a resolution to such a dispute, both the City and Franchisee may invoke any other remedies available to them at law and in equity.

17. **Repair of Damages.** Franchisee shall make any repairs required under Section 13.15.120 within thirty (30) days after date of the damage, or within thirty (30) days after notice from the City of such damage, whichever is sooner. If Franchisee fails to repair the damage within the aforementioned time periods, then the City may repair the same in accordance with Section 13.15.120.

18. **Undergrounding.** Franchisee acknowledges the City's policy of undergrounding of facilities within the right of way as required under Section 13.15.140, but the parties further acknowledge that such undergrounding requirement does not extend to antennas, equipment cabinets, associated cables, and other equipment that must be above-ground to operate.

PASSED by City Council this _____ day of _____, 2019.

Council President

APPROVED by me this ____ day of _____, 2019.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

13.15.050 Review.

- A. Within 30 days of submittal, the director shall notify the applicant if the application is incomplete. Upon receipt of a complete application, the director shall forward the application along with his or her recommendation to city council.
- B. City council shall act upon a complete application within 120 days of the date the applicant submitted the complete application, except with the agreement of the applicant or where city council action cannot reasonably be obtained within the 120-day period.
- C. A proposed ordinance for the grant, amendment to or renewal of a franchise shall be published once a week for four successive weeks in the city official newspaper before it shall be placed on first reading by city council.
- D. In considering whether to grant or deny a franchise application, council shall consider the following factors:
1. The legal, technical and financial capacity of the applicant to construct, install, operate, maintain, remove, repair and replace the proposed franchise facilities in accordance with the requirements of this chapter;
 2. The capacity of the right-of-way to accommodate the proposed franchise facilities;
 3. The applicant's performance record in the city or other cities in which it holds a franchise; and
 4. Any other factors reasonably determined by council to be in the public interest, except as otherwise provided herein or by state or federal law.
- E. In accordance with RCW [35.99.040](#) and [47 U.S.C. Section 332\(c\)\(7\)](#), council's decision on an application for a franchise for the provision of telecommunications services shall not:
1. Impose requirements that regulate the services or business operations of the service provider, except where otherwise authorized in state or federal law;
 2. Conflict with federal or state laws, rules, or regulations that specifically apply to the design, construction, and operation of facilities or with federal or state worker safety or public safety laws, rules, or regulations;
 3. Regulate the services provided based upon the content or kind of signals that are carried or are capable of being carried over the facilities, except where otherwise authorized in state or federal law;
 4. Unreasonably deny the use of the right-of-way by a service provider for installing, maintaining, repairing, or removing facilities for telecommunications services or cable television services;
 5. Prohibit the placement of all wireless or of all wireline facilities within city rights-of-way;
 6. Prohibit or have the effect of prohibiting the ability of the applicant to provide telecommunications services within city limits; or

7. Regulate the placement, construction or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with Federal Communication Commission regulations concerning such emissions.

F. Franchises granted hereunder shall be by ordinance and shall contain substantially similar terms as exist in other franchises, taking into consideration the relevant characteristics of each applicant. Persons who are granted franchises shall be required in such franchise agreements to comply with the provisions of this chapter, except as specifically negotiated otherwise for good cause demonstrated to the city's reasonable satisfaction.

G. The reasons for any denial of a franchise shall be supported by substantial evidence contained in a written record.

H. Council's decision shall be final and not subject to administrative appeal. An applicant adversely affected by the final action denying a franchise, or by an unreasonable failure to act on an application as set forth in this section, may commence a judicial action within 30 days to seek relief, which shall be limited to injunctive relief. [Ord. 2018-09-015 § 1].

The Bellingham Municipal Code is current through Ordinance 2019-05-013, passed May 6, 2019.

Disclaimer: The City Clerk Representative has the official version of the Bellingham Municipal Code. Users should contact the City Clerk Representative for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cob.org](http://www.cob.org)

City Telephone: (360) 778-8000

[Code Publishing Company](#)



November 29, 2018

Matthew Stamps
Senior Assistant City Attorney
City of Bellingham
210 Lottie Street
Bellingham WA 98225

Re: Updated Verizon Wireless Small Cell Franchise Application

Pursuant to BMC 13.15.020, Verizon Wireless (VAW) LLC d/b/a Verizon Wireless is pleased to submit the following Small Cell Franchise application.

A person seeking a franchise agreement under this chapter shall provide to the city an application form that contains sufficient information to enable the city to make its determination regarding the franchise request, including but not limited to the following:

- A. Applicant's name, address, and telephone number and the name, address and telephone number of the duly authorized officer or employee of the applicant:

**Verizon Wireless (VAW) LLC
180 Washington Valley Road
Bedminster, NJ 07291**

**Kari Marino
Manager of Municipal Engagement - PNW
3245 158th Avenue SE
Bellevue, WA 98008
(425) 603-8240**

- B. Applicant's business structure:

Verizon Wireless (VAW) LLC, a limited liability company

- C. Identification of the service area for which the franchise is requested:

The attached plans include a service area map for the City of Bellingham.

- D. Description of the services that the applicant expects to provide within the city:



Improved wireless communications with the implementation of small cell coverage for both residential and commercial use.

- E. Description of the type(s) of facilities to be installed in the right-of-way:

Please see the attached plans. The proposal consists of attaching small cell antennas and related equipment to utility poles & light poles.

- F. Description of applicant's previous experience providing the proposed services and facilities, including a list of all other franchises awarded applicant in the State of Washington:

Verizon has a franchise agreement or master permit with these Washington Cities: Bellevue, Bothell, Edgewood, Ferndale, Issaquah, Kirkland, Snohomish County, Spokane, Tacoma, Tukwila.

Verizon has deployed approximately 200 Small Wireless Facilities in Western Washington. A Small Wireless Facility is designed to augment coverage in a specific geographic area, and consists of one or more antennas, a radio, power feed, and fiber optic connection. Technical requirements drive the equipment and therefore the design; every effort is made to minimize the visual impact of the installation. If needed, pictures or addresses of existing installations may be provided.

- G. The name, address and telephone number of any person, other than applicant, who will have any ownership interest in, or commercial use of, the proposed facilities

Non-applicable

- H. Proof that applicant possesses all governmental licenses, certificates or authorizations that are necessary to lawfully conduct the proposed franchise activities

Verizon is licensed by the FCC and licensed in the State of Washington – Registration #003290673

FCC Call Signs: WQJQ694 – KNKA545 – WPZQ945 – WQGB232-WQVP237

- I. Explanation of whether applicant proposed services, or any portion thereof will be subject to tax under Chapters 6.04 or 6.06 of the Bellingham Municipal Code

Verizon Wireless (VAW) LLC pays both local B&O tax and local utility tax to the City of Bellingham



City Council Agenda Bill

22324

Bill Number

Subject: **Follow-up Discussion Regarding the University of Washington (UW) Graduate Research Team's Assessment in the City's Eastern Urban Growth Areas**

Summary Statement: On June 3, 2019, City Council received a report from a team of graduate students in the UW Masters of Urban Planning program. The students conducted a series of outreach efforts to assess interest in annexation from residents in the easterly portions of Bellingham's urban growth area. Staff will lead a follow-up discussion regarding the results of the outreach and the recommendations from the student's final report.

Note: the final report, appendices and attachments can be found at the following web site: <https://www.cob.org/annexations>

Previous Council Action: **Adoption of the Annexation Strategy in 2018**

Fiscal Impact: **N/A**

Funding Source: **N/A**

- Attachments:
1. STAFF MEMO
 2. UW RESEARCH TEAM FINAL REPORT

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Direction Requested	7/01/2019	Provide Direction	Rick Sepler, Planning and Community Development	5 minutes

Recommended Motion:

Council Committee:
Planning and Community Development Committee

Agenda Bill Contact:
Greg Aucutt, Planning and Community Development, 360-778-8300

Reviewed By	Department	Date
<i>Rick M. Sepler</i>	Planning & Community Development	6/20/2019

Council Action:

<i>Alan A. Marriner</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019



MEMORANDUM

TO: BELLINGHAM CITY COUNCIL
FROM: GREG AUCUTT, ASSISTANT DIRECTOR, PCDD
SUBJECT: EASTERN URBAN GROWTH AREA OUTREACH PROJECT
DATE: JUNE 17, 2019

City staff asked UW graduate students in the Masters of Urban Planning program to facilitate directed research to assess interest in annexation from residents in the easterly portions of the City's urban growth area (UGA). The UW team held three information open houses, created an informational web page on annexation and conducted a statistically-valid survey of residents in the Northern Heights, Tweed Twenty, Hillsdale, Geneva and N. Yew Street portions of the City's UGA. The results of the research were presented to the City Council on June 3, 2019.

Conclusions from the report:

1. **Opinions on annexation:** The west side of Britton Road (Northern Heights, Tweed Twenty) had the highest level of support for annexation; the east side of Britton Road (Hillsdale) was inconclusive due to sub-standard sample size; the Geneva area was generally opposed to annexation; N. Yew Street findings were inconclusive due to sample size.
2. **Information confidence:** Increased support for annexation is generally associated with increased understanding of the process and potential outcomes.
3. **Opinion elasticity:** The increased likelihood of support for annexation is generally associated with the prospect of decreased taxes and fees, and improved public services.

Recommendations from the report:

1. **Consider annexation in areas of support.** Focus initial community engagement efforts in the area on the west side of Britton Road (Northern Heights and Tweed Twenty).
2. **Continue the information campaign.** Residents from all UGA areas expressed interest in having more information regarding the annexation process and potential changes to their neighborhoods.
3. **Address inconclusive results.** The N. Yew and Hillsdale areas need further study due to inconclusive results.

Staff recommended next steps:

1. Continue the current focus, information campaign and outreach efforts in the Alderwood area.
2. Continue outreach efforts in the area west of Britton Road. Note that staff has met with property owners interested in annexation in this area.
3. As resources become available, initiate outreach efforts in the N. Yew Street area. Work with Whatcom County to evaluate the current UGA boundary, including the reserve areas. If areas currently within the UGA boundary are proposed to be removed (or placed on "permanent hold awaiting state legislation") the location of additional replacement capacity should be identified. This will include consideration of the northern UGA Reserve Area (commonly referred to as the "Caitac Property.")
4. By all accounts, the Geneva neighborhood is happy with the current situation. Annexation is not supported by most of the residents who participated in the meetings and survey. Reevaluate the area when Whatcom County updates their comprehensive plan and UGA boundaries beginning in 2021.

Bellingham Annexation Research Initiative Report

University of Washington
Master of Urban Planning
URBDP Studio 507

Submitted to the City of Bellingham
June 10, 2019

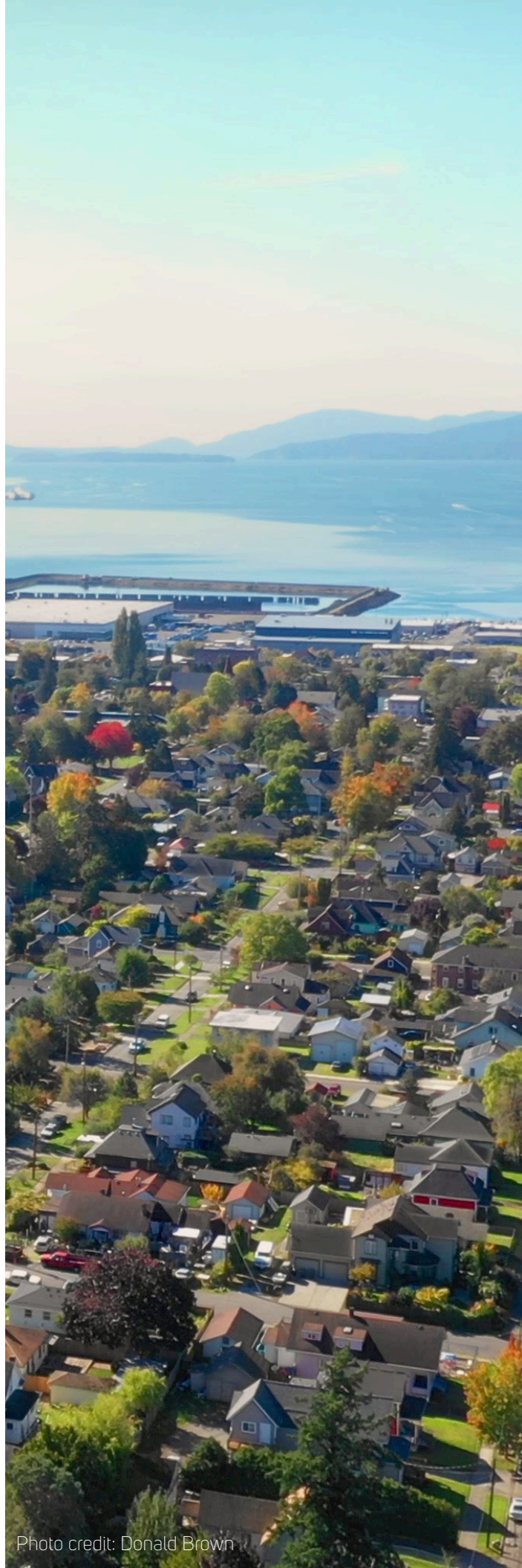


Photo credit: Donald Brown





ACKNOWLEDGMENTS

The University of Washington Research Team would like to thank the City of Bellingham Planning and Community Development Department Staff, members of Bellingham City Council, and all Whatcom County and Bellingham city staff who have supported the research of our team and have contributed to our efforts. We extend our heartfelt thanks to our instructors Rick Sepler and Greg Aucutt.

UW TEAM (URBDP 507- SPRING 2019)

Michelle Abunaja; Casandra Brown; Dan Cloutier; Isis Moon Gamble; Bebhinn Gilbert; Stefanie Hindmarch; Yang Liu; Dorothy Mulkern; Daniel Munkel; Daniel Osterhage; Alex Phillips-White; Jason Robert Walsh. Faculty: Rick Sepler, AICP; Greg Aucutt, AICP

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Permission to use: This report represents original student work and recommendations prepared by students in the University of Washington's Department Urban Design and Planning for the City of Bellingham. Text and images contained in this report may be used for not-for-profit purposes.

Recommended citation: Bellingham Annexation Research Initiative 2019. *University of Washington Bellingham Annexation Research Initiative Report*. University of Washington, Seattle, WA. Prepared for City of Bellingham.

From January through June 2019 University of Washington (UW) Master of Urban Planning students partnered with the City of Bellingham (COB) Planning and Community Development Department to assess interest in annexation among property owners in the easterly unincorporated portions of the Bellingham Urban Growth Area (UGA).

The UW Annexation Research Initiative consisted of three foundational elements: background research, community engagement, and a statistically valid community assessment. Initiative outcomes are detailed in this report and appendices; and resulted in the following conclusions and recommended next steps, submitted for Bellingham City Council consideration:

CONCLUSIONS

Opinions on annexation: Britton Road sub-areas of the UGA indicate highest level of support for annexation, Geneva generally opposes, and Yew Street findings are inconclusive.

Information confidence: Increased support for annexation is generally associated with increased understanding of the process and potential outcomes.

Opinion elasticity: Increased likelihood of support for annexation is generally associated with the prospect of decreased taxes and fees, and improved public services.

RECOMMENDATIONS (NEXT STEPS)

Consider annexation in areas of support: Dedicate resources to potential future annexation of Britton Road sub-areas of the UGA.

Continue the information campaign: Conduct additional outreach prioritizing areas of support and those with low information confidence and high opinion elasticity.

Address inconclusive results: Assess Yew Street vacant property owner support through mailed assessment; partner with Whatcom County to consider adjustment of Yew Street area boundary; and re-evaluate assessment outcomes accounting for pre-annexation agreements.

In accordance with the City's 2018 Annexation Strategy, the City of Bellingham (COB) is interested in evaluating the current opinion of residents in the easterly unincorporated portions of the Bellingham Urban Growth Area (UGA) in annexation. The UGA sub-areas (listed by identifying number) in question include UGA 11 (Northern Heights), UGA 12 (Tweed Twenty), UGA 13 (Hillsdale), UGA 14 (Geneva), and UGA 15 (North Yew Street).

ANALYSIS AREA

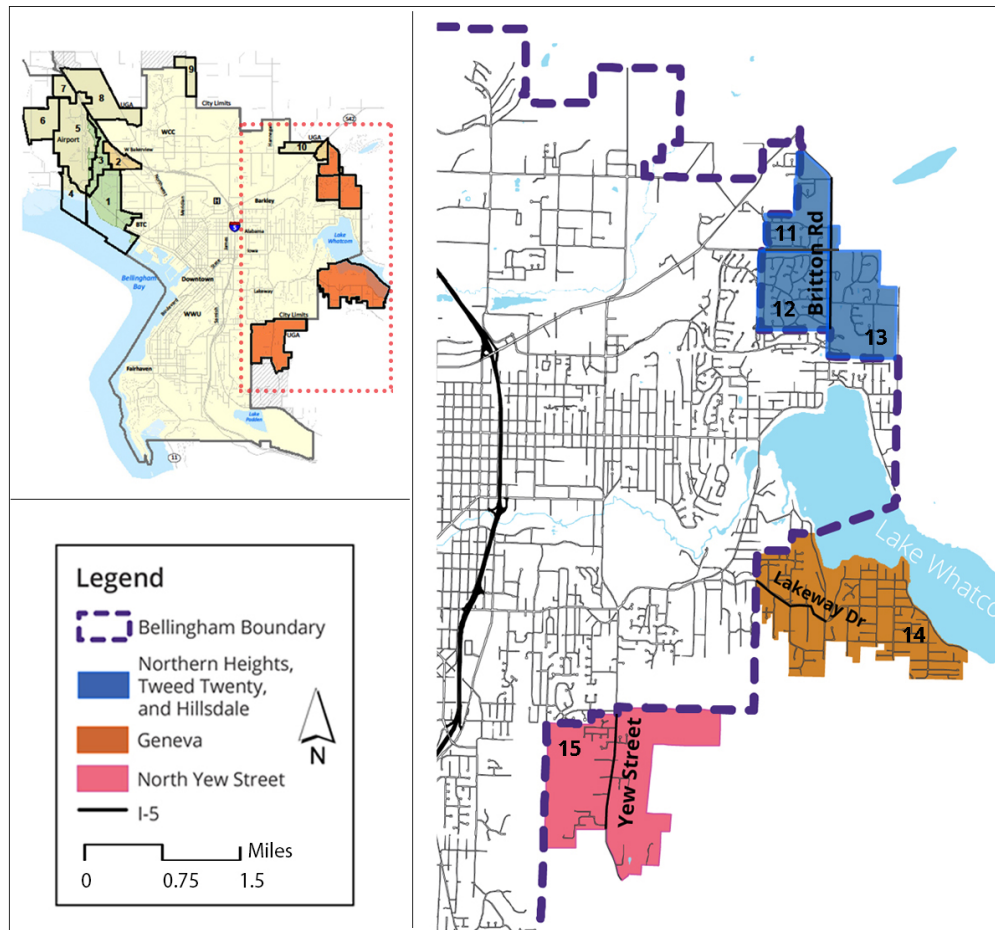


Figure 1: Annexation Research Initiative Analysis Area

SCOPE

A team of twelve UW Master of Urban Planning students, in partnership with the COB Planning and Community Development Department, launched the Annexation Research Initiative in April 2019 to preliminarily identify costs and benefits associated with annexation, conduct public outreach with UGA community members through web communications and public meetings, and assess UGA community interest in annexing into the City through a statistically valid survey of property owners.

Of relevance to the report herein, the primary focus of the UW Team's effort was to provide community members with accurate and unbiased general information from which property owners can discern whether annexation to the City would be in their best interest.

RESEARCH

The UW Team began background research related to the 2018 COB Annexation Strategy, urban service provision, and UGA community profiles in January 2019. Outcomes of this preliminary effort are documented in the Bellingham Urban Growth Areas: Initial Conditions Report which was submitted and briefed to COB and Whatcom County planning staff in March 2019. The UW team used this research as a basis for the current Annexation Research Initiative.

Research of primary sources include Whatcom County Assessor data and Whatcom County and COB plans, policies, and initiatives related to taxes, utilities, emergency services, parks and recreation, housing, economic development, and transportation. The findings resulted in the generation of informational materials the UW Team used to facilitate public engagement through:

Establishment of a website on the COB domain providing a consolidated public resource and opportunity for comment related to annexation and preliminary research outcomes.

A series of three public open houses designed to share information and receive feedback from UGA community members related to annexation.

Preliminary research outcomes and feedback on community engagement informed a series of questions used as a basis for a subsequent statistically valid community assessment. The UW Research Team conducted in-person

household surveys to gauge property owner support for annexation in each of the UGA sub-areas studied; the results of which were detailed in the June 3 presentation to City Council.

PROCESS

The Team created a systematic approach to its research, community engagement, analysis of assessment results and recommendations. As illustrated in Figure 2, background research served as a basis for community engagement; feedback from community meetings and e-mail comments informed the community assessment; and results and recommendations were derived from assessment outcomes.

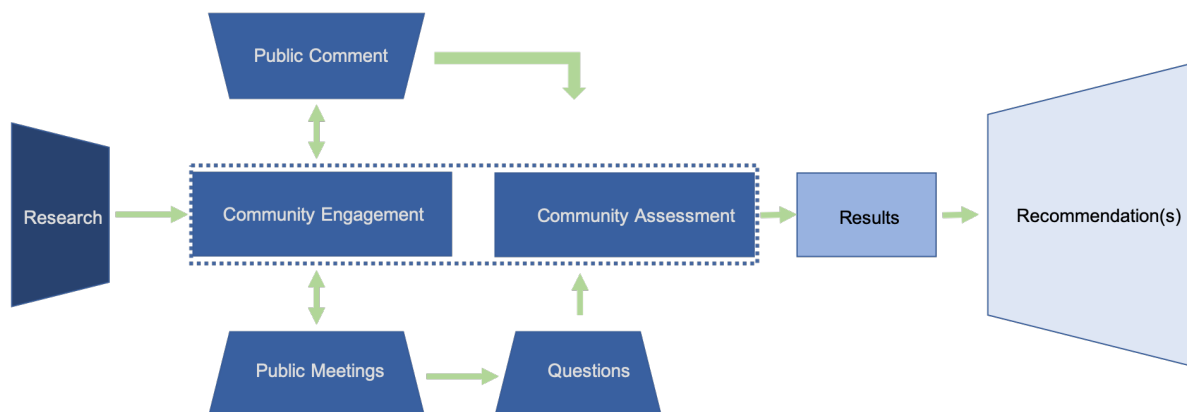


Figure 2. Initiative process chart displaying key areas of planning, administration, analysis and presentation.

TIMELINE

The Annexation Research Initiative’s milestones are separated into three primary activities: Research, Community Engagement, and Community Assessment; the results of which were presented to the Bellingham City Council June 3, 2019. A timeline of key project milestones is presented in Figure 3.



Figure 3. Annexation Research Initiative Milestones

The University of Washington (UW) Team created a community engagement plan to disseminate information on the project and to gather input from community members regarding annexation. This plan focused upon two principal strategies: media engagement and public meetings. Both strategies required material production and distribution, facilities reservations, and coordination with city, county, and school district officials.

MEDIA ENGAGEMENT

The media component of the community engagement plan required the creation of the following outreach tools, also included as Attachments 1-6:

- Initiative website (www.cob.org/uwresearch)
- Email Invitations
- Project fliers and postcards
- Radio station Public Service Announcements
- Press release
- Social media announcements

Each item was produced with the goal of communicating essential information on the purpose and process of the Initiative.

WEBSITE

The Initiative website consists of four primary content pages: the landing page, the Calendar of Events page, the Frequently Asked Questions (FAQ) page, and the Annexation Area Maps page.

The landing page orients the viewer to the general background and origin of the University of Washington's research, explaining the relationship between the matter, the City of Bellingham (COB), and the UW Team.

The Calendar of Events page lists the dates and provides brief explanations for the Initiative's three community outreach meetings. This page also includes copies of the meeting materials.

The FAQ page lists 28 common questions regarding the process and potential outcomes of annexation. Each question has a concise response, often with links to additional information and sources, plus contact information for public input and further questions. Questions are purposely general in nature and intended to provide preliminary (non-property specific) information. It was anticipated

that should the City choose to continue the annexation conversation, more specific information pertinent to each subject area would be prepared by the COB.

The Annexation Area Maps page contains custom created maps of the five unincorporated Urban Growth Area sub-areas that are the subject of the Initiative. These maps display the boundaries of the UGA sub-areas, the boundary of the City, and locations of some relevant community institutions and geographic landmarks. This page also includes an interactive map that allows the viewer to enter their address and learn whether their property is within one of the five UGA sub-areas.

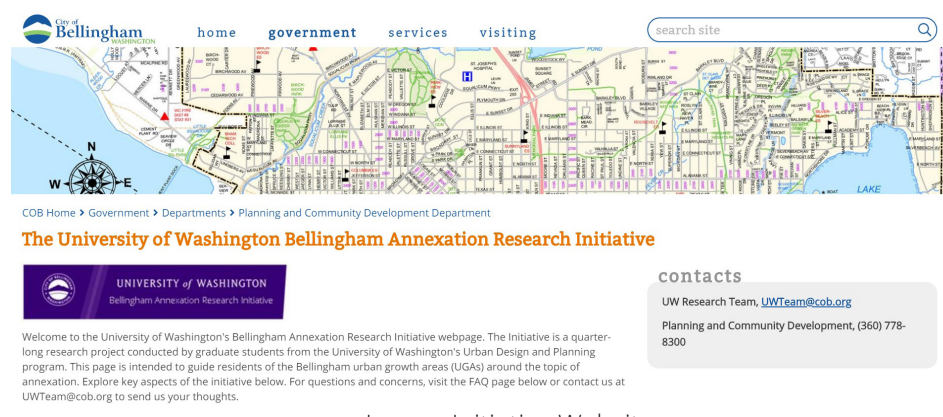


Image: Initiative Website

Email Invitation and Responses

The UW Team prepared an email that explained the purpose and nature of the initiative and invited community members to the Team's public meetings. The email was sent to community members who were identified as potential members of homeowner associations in the UGA sub-areas.

The Initiative website includes a contact email where site visitors can ask questions or make comments. The Team logged these comments and questions into a comment matrix (Attachment 7) for review to identify the appropriate party and response. The COB Planning and Community Development Department addressed all questions and comments relevant to them. The UW Team addressed comments and questions related to the Initiative, which were then approved by the COB prior to distribution through the project's email address, UWTeam@cob.org.

Fliers and Postcards

Fliers and postcards were distributed throughout the COB and the UGA sub-areas. The fliers detailed the purpose of the public meetings, the dates, times and locations of the meetings, and directions on how to learn more information on the Initiative and how to contact the University of Washington Team. The postcards contained information on the dates, times, and locations for the three community meetings; a context map of the UGA sub-areas; and a link to the project's website, both through a URL and a scannable QR code. The fliers and postcards were distributed at various Bellingham and UGA-area businesses, community centers, schools, religious institutions, and Whatcom Falls Park and Bloedel Donovan Park public advertisement boards.

Public Service Announcements

A Public Service Announcement (PSA) was written and submitted to five local radio stations:

- KUGS
- KMRE
- KZAK
- KGMI
- Cascade Radio Group

The PSA explained the nature and purpose of the project, dates for the community outreach meetings, and directions on how to learn more information at the project website.

Press Release

A press release, or community release, was emailed to local, regional and national media, the COB City Council, boards and commissions members, neighborhood representatives, key city staff, and more than 900 subscribers. It was also posted on Facebook, Twitter, and the COB website. The release contained information on the nature and purpose of the Initiative with details such as:

- The UGAs that served as the focus of the project's research
- Dates, times, and locations of the three public meetings
- An announcement of the project's intent to canvas the UGA neighborhoods to administer an assessment of property owner's knowledge and thoughts on annexation
- Notice of the Team's intent to present its findings before the City Council on June 3
- Directions on how to find more information on the project and how to contact the University of Washington Team

Social Media

The UW Team, through the COB and with its assistance, monitored and replied to the COB Facebook page regarding the Research Initiative and provided responses to comments and questions whenever possible. This determination was based upon the nature of the question or comment and to whom the question or comment was directed. If the comment or question was not specific or germane to the UW Team's research, the Team directed it to City staff. City staff reviewed all of the UW Team's responses prior to posting.

Direct Mailings

Due to the informal nature of the Team's process, with no direct relation to annexation petitions and insufficient time to reach community members by mail, no direct mailings were made. Mailing of legal notice to property owners would be completed for any subsequent COB processes involving annexation.

COMMUNITY INFORMATION MEETINGS

Three meetings were held on the following dates and times at the listed locations:

- May 2, 2019, 6:00-7:30 PM at Geneva Elementary School
- May 2, 2019, 6:00-7:30 PM at Wade King Elementary School
- May 7, 2019, 6:00-7:30 PM at Northern Heights Elementary School

Teams of six students administered each meeting with the purpose of providing area residents with information on the process of annexation and its possible outcomes. The meetings functioned in an open house format consisting of three informational stations and three activity stations. For meeting materials, see Appendix A.

The informational stations provided general information on the process of annexation, the potential effects of annexation on city or county services, and the potential effects of annexation on taxes and fees. UW Team members attended these stations and fielded attendee questions. COB and Whatcom County staff provided technical assistance at these meetings. Staff included members from the planning, parks, public utilities, and emergency services departments. In addition to the informational stations, the meetings had three interactive activities. These activities provided attendees with opportunities to independently engage with information on annexation and provide their comments in writing or by other means. All attendees were invited to complete an exit questionnaire, which allowed them to identify where they live and their

opinions on annexation. For a copy of the exit questionnaire, see Appendix A. Following all public meetings, the Team sent a follow-up email to all those attendees who provided email addresses. The message thanked the attendees and provided information on the Team's next steps. See Attachment 8.

Outcomes

Questionnaire feedback provided some insight into the thoughts and opinions of 114 of the 128 community members who attended the meetings. Based on questionnaire responses, North Yew Street meeting attendees demonstrated the least interest in annexation into the City of Bellingham, Tweed Twenty attendees reported the most "no opinions" on interest in annexation, Hillsdale attendees leaned toward supporting annexation, and Northern Heights and Geneva attendees provided nearly split responses. Attendees from every UGA reported that overall, they felt engaged in the meetings and events improved their understanding of annexation. Questionnaire responses are not statistically valid, and results are subjective. However, the results from the questionnaires informed the questions included in the community assessment. Meeting outcomes associated with each of the events are summarized below and detailed in Appendix A:

Geneva

The meeting hosted at Geneva Elementary School on May 2 had 46 attendees. The optional questionnaire provided at the meeting was returned by 39 people. The respondents reported that they felt "Very Engaged" at the meeting and that the meeting improved their understanding of annexation. However, the majority of respondents indicated that they did not support annexation.

North Yew Street

The meeting hosted at Wade King Elementary School on May 2 had 31 attendees. The optional questionnaire provided at the meeting was returned by 24 people. A number of the respondents reported they felt "Very Engaged" and nearly all respondents felt the meeting improved their understanding of annexation. However, responses indicate meeting attendees were generally unsupportive of annexation at the time of the questionnaire.



Image: May 7, 2019 Northern Heights Elementary Community Meeting Information Stations

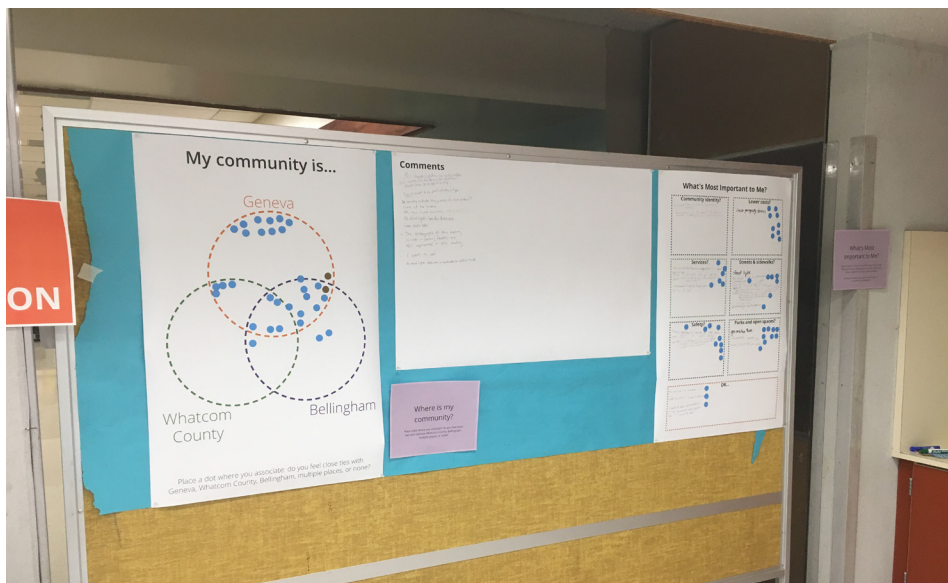


Image: May 2, 2019 Geneva Elementary Public Meeting Activity Station

Northern Heights, Hillsdale, Tweed Twenty

The meeting hosted at Northern Heights Elementary School on May 7 had 51 attendees. The optional questionnaire provided at the meeting was returned by 51 people. Of the 51 total respondents, 32 reported they were from the Northern Heights area. Of these, most people reported they felt “Very Engaged” and nearly all respondents felt the meeting improved their understanding of annexation. Attendee responses in this area were largely supportive of annexation.

Nine attendees reported they were from the Hillsdale area. Of these, most people reported they felt “Very Engaged” and nearly all respondents felt the meeting improved their understanding of annexation. Respondent support for annexation in this area was generally split at the time of the questionnaire.

Nine attendees reported they were from the Tweed Twenty area. Of these attendees, the majority reported that they felt “Very Engaged,” and all respondents reported that the meeting improved their understanding of annexation. Respondent support for annexation in this area was approximately split at the time of the questionnaire.

PUBLIC COMMENTS

The UW Team created multiple avenues of communication for UGA residents to voice their opinions. Public comments were received via exit questionnaires at community meetings and through email. While public comments were not used as statistically valid measures of community opinion toward annexation, all input was taken into consideration when developing recommendations and next steps. After analyzing over 130 public comments by UGA residents (detailed in Attachment 7) the UW Team identified the following key themes:

Requests for more information

Comments included many questions about the annexation process in general, the relationship between the UW Team and the City of Bellingham, and what stage this research was in within the context of the overall annexation process. Residents who commented were also curious to know how annexation would affect them immediately and long-term, how UGA boundaries were established, whether boundaries could be re-drawn to include or exclude specific areas, and if smaller portions of the UGA could be annexed. Most comments indicated a desire for more information about financial and infrastructure changes.

Comments regarding outreach

A number of comments expressed disappointment with how outreach was conducted for this research, especially regarding the community meetings. Comments generally indicated that outreach efforts should have been more direct and should have included direct mailers to homeowners. Many residents who commented felt that they did not have adequate information to make a decision on annexation. They also felt like while they were informed, their neighbors were lacking information. Some comments expressed concerns that community members were spreading misinformation regarding annexation contradicting the team's efforts. Others indicated the information that was provided did not adequately display both the costs and benefits of potential annexation.

Comments supporting annexation

A number of comments alluded to the positive benefits of annexation but did not elaborate in depth. Comments from residents in the Hillsdale, Tweed Twenty, and Northern Heights UGA sub-areas expressed the highest level of positive opinions towards annexation. Some residents also stated that they felt more connected to the COB than the County, and that they would like to have better infrastructure and infrastructure management in their neighborhood.

Comments opposing annexation

Many comments expressed concerns with increased development density, as well as increased traffic and crime with a rise in population. Comments from the Yew Street area identified potential environmental impacts of annexation as a key concern. Most residents who had concerns regarding annexation stated that they moved to their neighborhoods to disconnect from city life and appreciate their quieter lifestyles.

The University of Washington (UW) Team continued the work of the community engagement plan through the implementation of a community assessment. This plan focused upon a structured analysis of current community opinion regarding possible annexation. The assessment was conducted with the explicit purpose of remaining scientifically and statistically sound. The decision to conduct such an effort was informed by several factors, namely: a stated interest by the City of Bellingham (COB) for area-specific data that could speak directly to current residents' understanding and opinions regarding possible annexation.

ASSESSMENT CONSTRUCTION

To maintain neutrality and gain accurate data, the UW Team designed a brief assessment which was meant to gain insight into residents' current opinions on and knowledge of annexation, as well as the elasticity of those opinions.

The assessment consisted of twenty-two questions which were designed using best practices aimed at maintaining neutrality and validity. Questions were written and sequenced in such a way to avoid biasing responses. The research team was supported by COB staff in this effort. Due to the legal process associated with annexation, assessment collection was limited to property owners, rather than renters and dependents.

Key themes addressed in the assessment include:

- Community member familiarity with the annexation process
- Community member preparedness to decide on annexation
- Current likelihood of approval or rejection of annexation as well as likelihood given hypothetical changes in taxes, fees, or levels of service

For a full list of assessment questions see Attachment 9.

SAMPLING METHODOLOGY

The UW Team, with the assistance of the COB staff, developed sample areas in which to implement the community assessment. These sample areas were constructed by dividing each unincorporated urban growth sub-area into sections, for a total of ten assessment areas. Randomized selections of 30% of properties were made for each of the ten assessment areas. These 30% selections became the sample of the community assessment. Sample areas 1 through 9 became the field maps for assessment implementation. Area

10 was a selection of currently vacant land and was not assessed by the UW Team. The sample areas are highlighted in Figures 4-7 and described below. Detailed sample area maps are included in Attachment 10.

UGA COMMUNITY ASSESSMENT SAMPLE AREAS

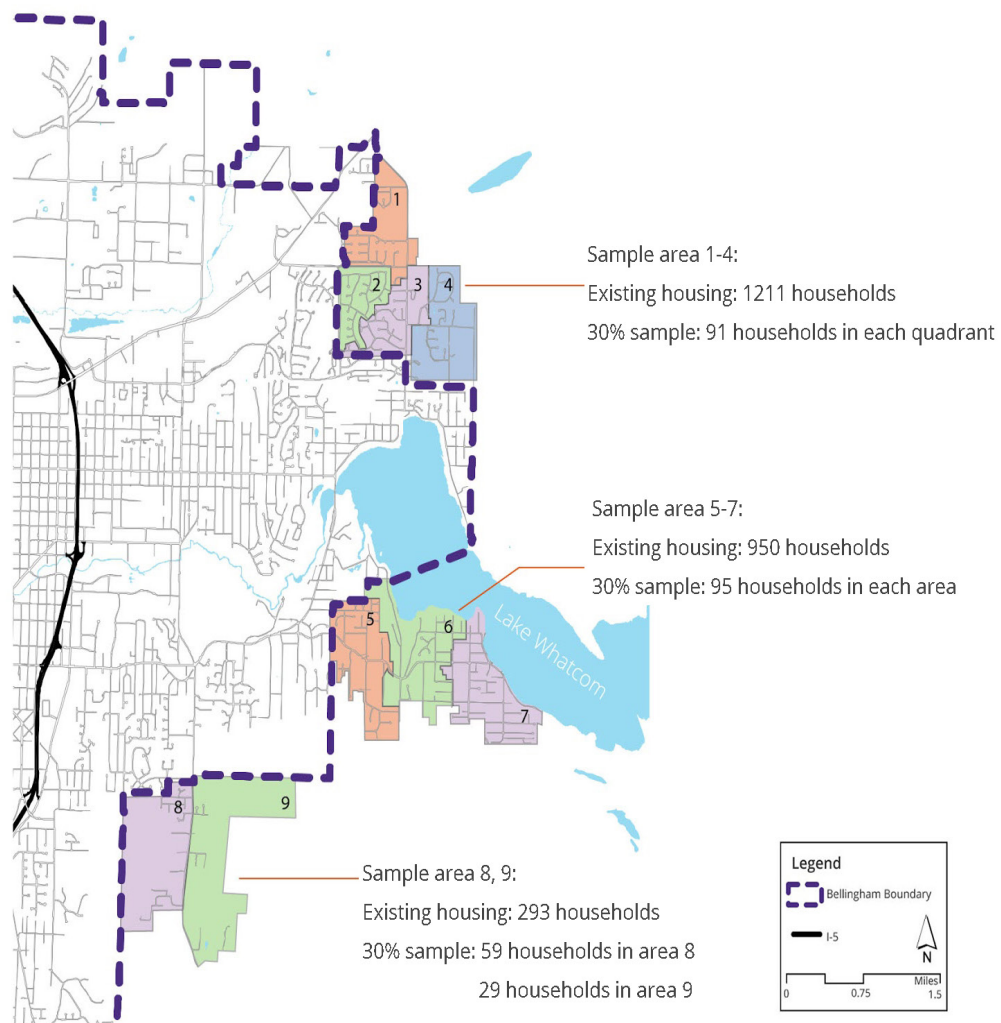


Figure 4. Sample areas map showing locations and sample sizes

Sample Areas 1-4 (Northern Heights, Tweed Twenty, Hillsdale)

Each of the sample areas identified in Figure 5 had a 30% sample size of 91 properties. Sample area 1 is located adjacent to City limit and shares a common boundary with City of Bellingham to the west. McLeod Road and Britton Road form its southern and eastern boundaries. This area includes all Northern Heights and a small portion of Hillsdale and Tweed Twenty at its southeast corner. Sample areas 2 and 3 represent most areas of Tweed Twenty as well as the northwest part of Hillsdale. The City limit forms their western and southern boundaries. McLeod Road and Brownsville Drive form the northern and eastern boundaries. Sample area 4 includes most of the Hillsdale area except a portion in the northwest. The area is situated south of Gala Loop, west of Toad Lake Road and east of Britton Road, and it shares a common boundary with the City limit to the south.

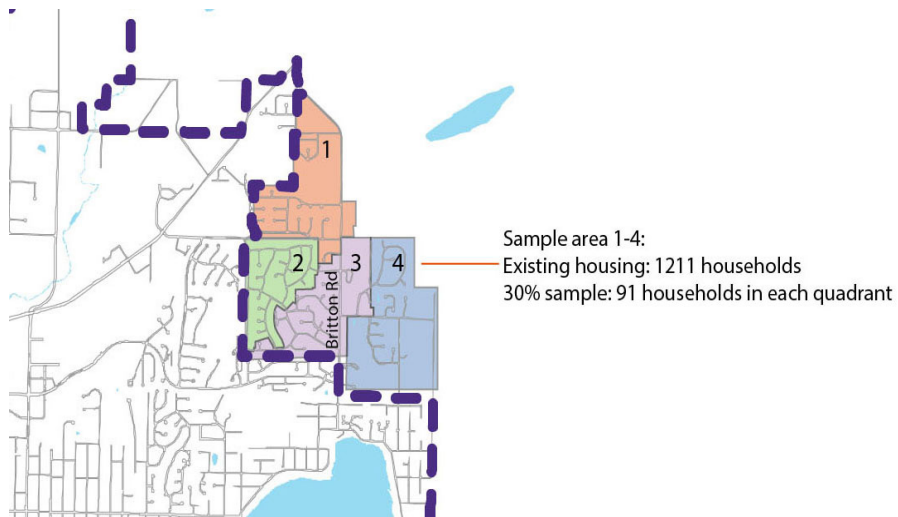


Figure 5. Sample areas 1-4 map

Sample Areas 5-7 (Geneva)

The three areas identified in Figure 6 each had sample sizes of 95 properties. Sample area 5 is a residential community situated west of Euclid Avenue, south of Susan Court, and it shares a common boundary with the city to the west and the north. Sample area 6 is in central Geneva. Sample area 7 is situated in the eastern portion of Geneva.

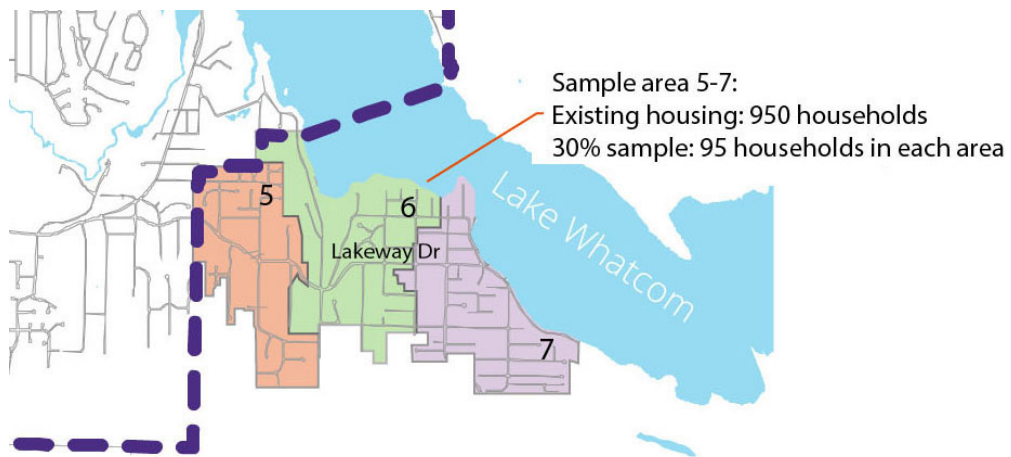


Figure 6. Sample areas 5-7 map

Sample Areas 8-9 (North Yew Street)

Identified in Figure 7, sample area 8 is the western side of North Yew Street and had a sample size of 59 properties. Sample area 9 is the eastern portion of North Yew Street and had a sample size of 29 units.

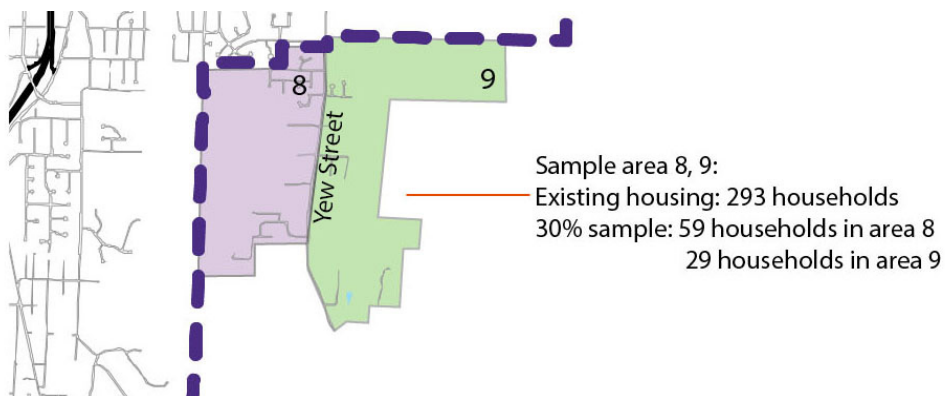


Figure 7. Sample areas 8,9 map

ASSESSMENT FIELDWORK

In order to implement the community assessment, the UW Team planned and conducted field outreach on May 11, 2019 and May 18, 2019. The nine sample areas, identified in the sample construction during the survey design, were repurposed into field maps.

Team members were paired into groups of two or worked alone to canvas the identified sample area. Each research team member was given a script, found in Attachment 11, to assist in conducting the assessment. The script included a brief description of the research project and the role of the UW team, and it asked residents whether they were available to participate in the assessment. It also screened out any renters. If a resident wanted to know more information regarding the role of the research team and the relationship between the COB and the assessment, team members had a letter written by the COB Planning and Community Development Department which provided further clarity. The letter can be found in Attachment 12. The assessment questions were provided in written form and were read to the resident by the team members upon request. Responses were recorded once per residence; respondents could decline to answer any question. Nonresponses and refusals were recorded by the research team.

The community assessment was implemented on Saturday, May 11, 2019 beginning at 10:00 AM and lasting through the evening. Although statistically valid, a few geographic areas remained unsampled after May 11. Rather than exclude those areas and leave portions of the UGA unsampled, the assessment was completed on Saturday, May 18, 2019.

DATA ANALYSIS

Data gathered from the community assessment was compiled into a single dataset, which was analyzed by the UW Team using statistical computing programs R and Microsoft Excel as well as data visualization programs ArcGIS, Microsoft Power BI, and Tableau.

The data gathered from the community assessment was analyzed with the goal of addressing three major questions:

- What are residents' current opinions on annexation?
- How elastic are those opinions?
- How informed do residents consider themselves about the annexation process?

Framed by these guiding questions, the research team concluded preliminary results, detailed in the following section.

Community assessment outcomes led to four overarching conclusions, which are listed below and detailed throughout this section:

Opinions on Annexation

Britton Road area UGA sub-areas indicate highest level of support for annexation, Geneva generally opposes, and Yew Street findings are inconclusive.

Information Confidence

The majority of property owners in UGA sub-areas 11-15 do not feel they have enough information to make a decision regarding annexation.

Knowledge and Favorability

Increased support for annexation is generally associated with increased understanding of the process and potential outcomes.

Opinion Elasticity

Increased likelihood of support for annexation is generally associated with the prospect of decreased taxes and fees, and improved public services.

OPINIONS ON ANNEXATION

Annexation support was assessed primarily through two specific questions. Question 20, which asked “At this point in time, do you favor or oppose annexation of your area into Bellingham?” with binary responses of “favor” or “oppose”; and Question 7, which asked “How likely are you to approve of annexation into Bellingham?” with responses ranging from “very unlikely” to “very likely.”

Based on analysis of community assessment results, property owners in the Britton Road UGA sub-areas indicate highest level of support for annexation, Geneva generally opposes, and Yew Street findings are inconclusive. A map identifying areas of relative support for annexation is presented as Figure 9. Detailed analysis results are included in Appendix B.

Figure 8 provides a breakdown of responses to Question 20 of the Community Assessment. The figure is broken into the five UGA sub-areas looked at for the assessment: Northern Heights (UGA 11), Tweed Twenty (UGA 12), Hillsdale (UGA 13), Geneva (UGA 14), and Yew Street (UGA 15). The important thresholds to consider for each area are greater than 60% “favor”

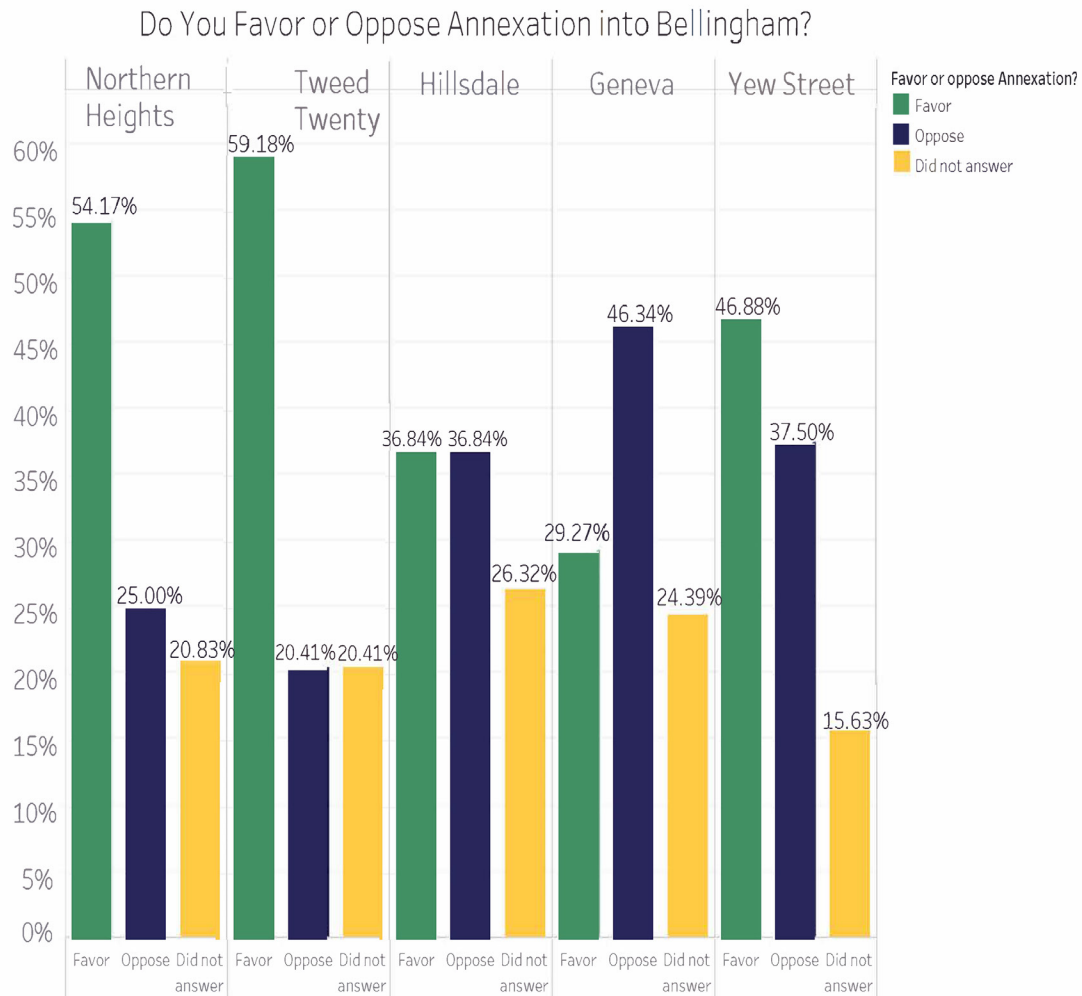


Figure 8. Resident responses to Question 20 by UGA sub area

Conversely, assessment outcomes indicate property owners in the Geneva area (UGA 14) generally oppose annexation, demonstrating conclusive opposition at the 85% confidence interval. Though individual assessment area results vary, combined analysis indicates broad opposition.

Yew Street Area findings are inconclusive due to inability to account for a random sample of vacant lot property owners and excessive margin of error among responses obtained. Vacant lots account for approximately 10% of the Yew Street Area land value, which was not considered in this assessment. Among assessment responses obtained, unacceptable margin of error exists at the 85% confidence interval, which is the lowest considered statistically valid for the purposes of this study. Based on the combination of incomplete sampling and excessive margin of error, Yew Street Area results are considered informative in terms of understanding respondent sentiment, but not conclusively representative of area property owners.

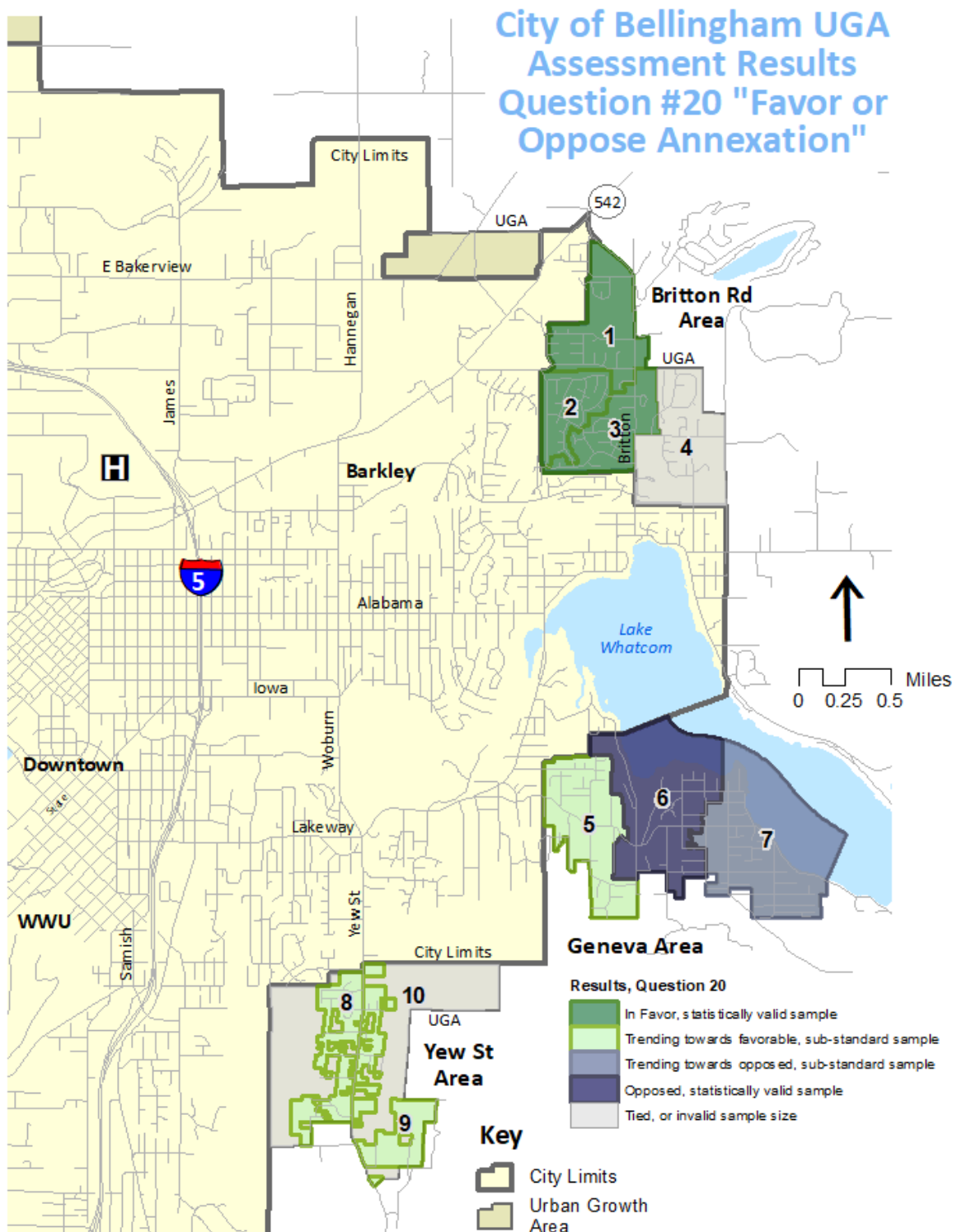


Figure 9. Assessment Question 20: Current support for annexation (favor/oppose)

INFORMATION CONFIDENCE

Assessment results indicate the majority of property owners in UGA sub-areas 11-15 do not feel they have enough information to make a decision regarding annexation.

As indicated in Figure 10, more than 50% of respondents across UGA sub-areas 11-15 indicated they did not have enough information to make a decision regarding annexation at the time of the assessment. Lowest levels of information confidence were encountered in Tweed Twenty (UGA 12), Geneva (UGA 14), and North Yew Street (UGA 15).

In aggregate, among respondents who felt they had enough information to make a decision on annexation, approximately 58% identified as “somewhat likely” or “very likely” to approve annexation. Among respondents who felt they did not have enough information to decide on annexation, approximately 26% identified as “somewhat likely” or “very likely” to approve annexation.

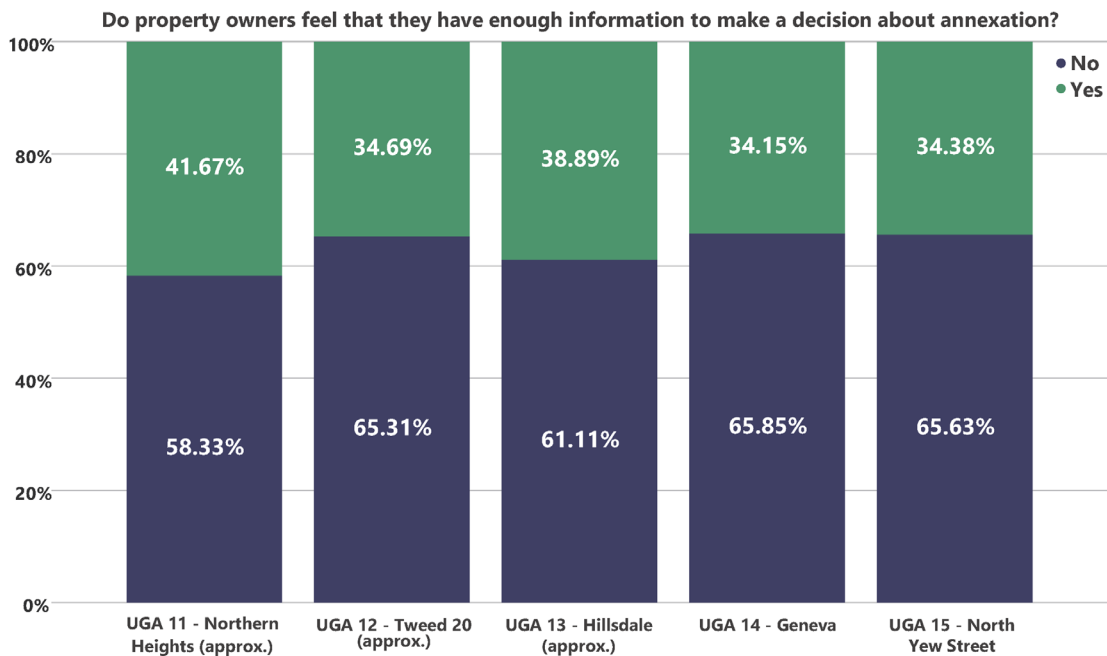


Figure 10. Question 6: Do property owners feel they have enough information to make a decision?

KNOWLEDGE AND FAVORABILITY

Assessment results indicate likelihood of support for annexation is generally positively associated with increased understanding of the process and potential outcomes.

Figure 11 displays the likelihood of respondents approving annexation. The “annexation threshold” line marks the 60% approval margin needed by an annexation petition. This assumes that property values are roughly equivalent among property owners in each urban growth area. This graph shows that, with the exception of North Yew Street, around 30% of respondents in each urban growth sub-area were indifferent to annexation at the time of response. Cross tabulation of results revealed that many of the respondents that were indifferent to annexation also were not confident that they had enough information to make a decision about annexation at the time.

As illustrated in Figure 12, among respondents who felt they had enough information to decide on annexation, 37% identified as “somewhat unlikely” or “very unlikely” to approve annexation. Among respondents who felt they did not have enough information to decide on annexation, 29% identified as “somewhat unlikely” or “very unlikely” to approve annexation.

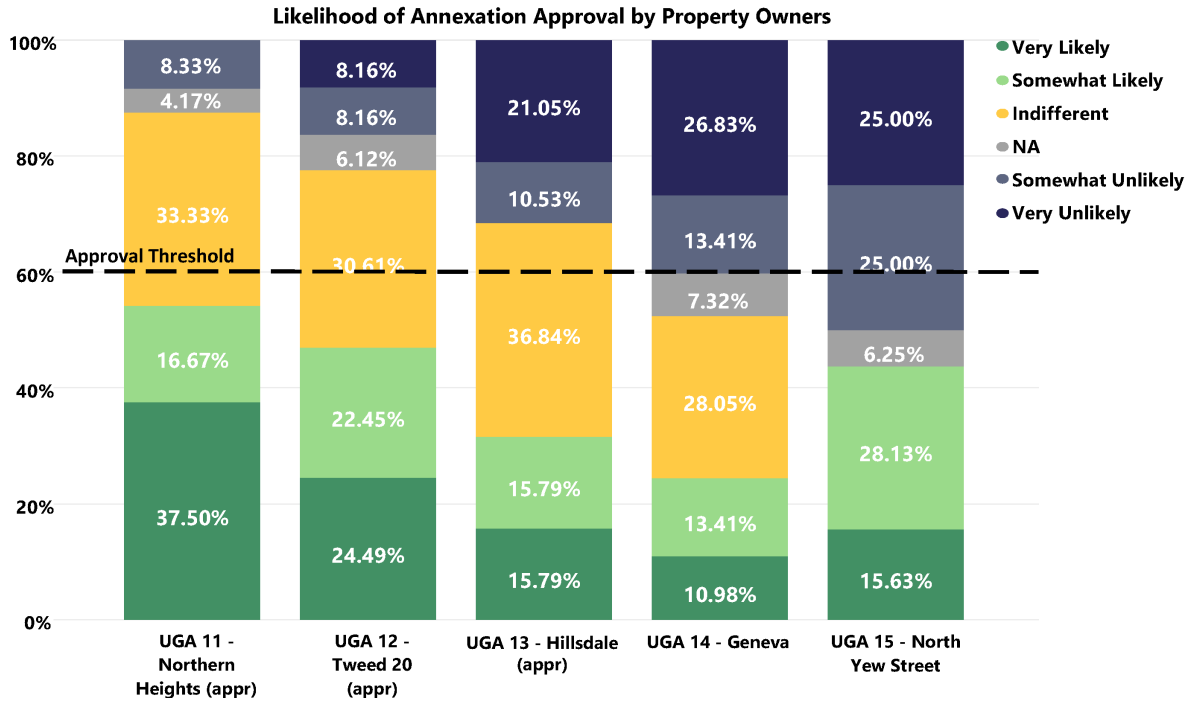
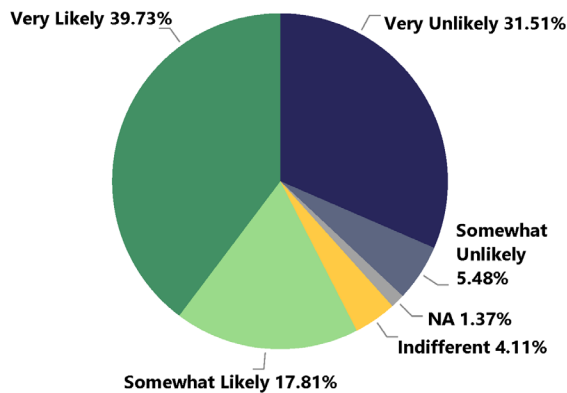


Figure 11. Question 7: How Likely are Respondents to Approve of Annexation into Bellingham?

Likelihood of Annexation Approval by Property Owners Who Feel Confident That They Have Enough Information to Make a Decision About Annexation



Likelihood of Annexation Approval by Property Owners Who Do Not Feel Confident That They Have Enough Information to Make a Decision About Annexation

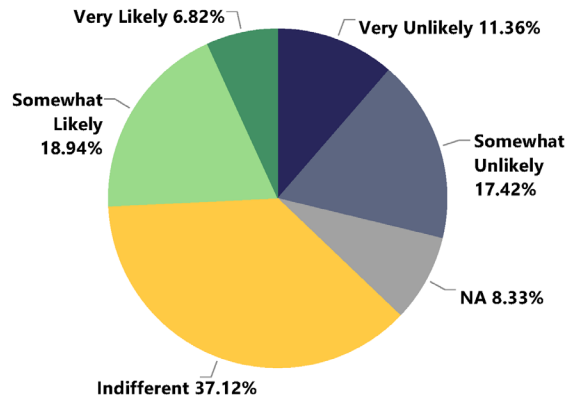


Figure 12. Comparative likelihood of annexation approval among respondents indicating high and low information confidence

OPINION ELASTICITY

Assessment results indicate increased likelihood of support for annexation is generally associated with the prospect of decreased taxes and fees, and improved public services.

The map presented as Figure 13 identifies average likelihood of annexation support given a slight (less than 20%) decrease in taxes and fees and a slight improvement to the level of public service provision including police, fire, and parks. These conditions are anticipated to be the most likely outcome in the case of annexation and are reflected in Questions 13 and 18 of the assessment. Colors on the map represent average responses to these questions by assessment area, with values below 3 indicating respondents are unlikely to approve annexation, and values above 3 (green) indicating respondents are likely to approve annexation. The map should be viewed as an indicator of sentiment, however, due to the small sample size for each response, it is not considered a statistically conclusive assessment of overall UGA property owner opinion.

The Figure 13 map shows that within the northern assessment areas (UGAs 11-13), on average, respondents are either “very likely” or “somewhat likely” to approve annexation given decreased taxes & fees and improved public services. Conversely, average respondents in Geneva assessment areas (UGA 14) range from “somewhat likely” to “indifferent.” North Yew Street Area results are inconclusive due to the limited sample size, and interpretation is limited to understanding of respondent feedback.

Further analysis of average UGA responses related to taxes, fees and level of service changes, potentially resulting from annexation, revealed the trends identified in Figure 14. The figure indicates respondents’ elasticity of likelihood to support annexation under conditions ranging from a significant decrease in taxes and fees coupled with significantly improved public service provision, to significant increase in taxes and fees coupled with significantly diminished public service provision.

Figure 14 indicates respondents in all UGA sub-areas demonstrate elasticity of opinion, with Tweed Twenty and Northern Heights respondents having a more favorable view of annexation as compared to areas like North Yew Street and Geneva. It should be noted that this graph does not exclude inelastic respondents, defined as respondents with identical answers to the first and last condition. This results in the elasticity lines of Geneva and North Yew Street to be lower than that of the North Britton UGAs due to their higher percentage of inelastic voters against annexation. Detailed analyses of elasticity outcomes for each UGA are provided in Appendix B.

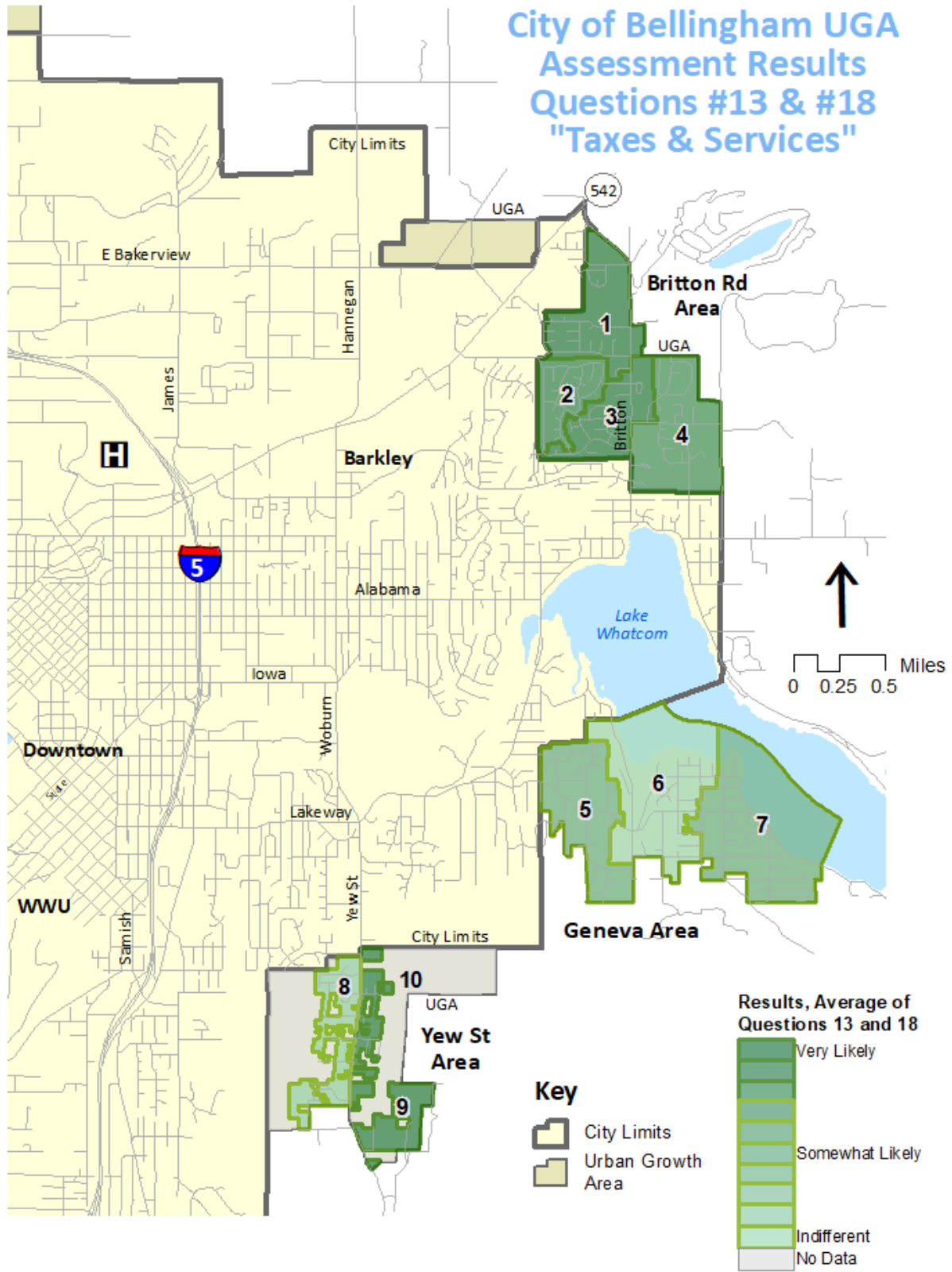


Figure 13. Average likelihood of annexation support given decreased taxes & fees and improved public services

Average Response Regarding Tax/Fee and Service Changes

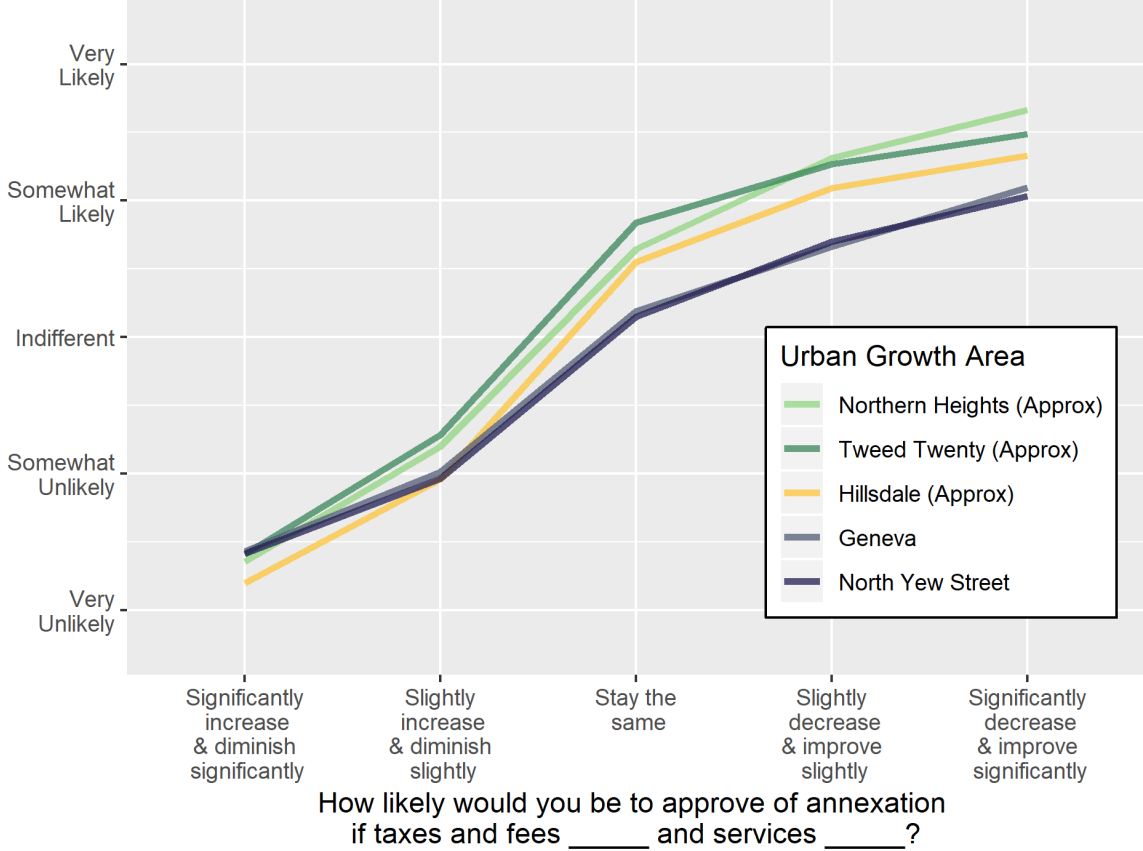


Figure 14. Average Elasticity of respondents regarding Tax and Fee and Service Changes

RECOMMENDED NEXT STEPS

As a result of research and community assessment outcomes detailed in this report, the UW Team recommends the City of Bellingham consider the following actions as next steps in advancing its Annexation Strategy.

Consider Annexation in Areas of Support

Based on assessed interest from residents in Northern Heights and Tweed Twenty, the UW Team recommends that the City of Bellingham dedicate resources to a potential future annexation of these areas. Assessment results indicate Britton Road area UGA property owners generally have a favorable view on potential annexation, but further engagement is necessary to initiate the process. To create a strong basis for potential annexation of these UGAs, the City will need to invest resources into further community engagement and information dissemination.

Continue the Information Campaign

Residents from all the UGA sub-areas expressed interest in having more information regarding the annexation process and potential changes and impacts to their communities. The UW Team recommends that the City dedicates resources to conducting additional outreach, focusing primarily on UGA sub-areas that expressed support and UGA sub-areas that reported low information confidence but showed high elasticity in opinions on annexation. The information campaign would be most beneficial in the Northern Heights, Tweed Twenty, Hillsdale, and North Yew Street UGA sub-areas. Due to Geneva's lack of assessed interest, it is recommended the City of Bellingham focus resources on the other UGA sub-areas and exclude Geneva from consideration for annexation at this time.

Address Inconclusive Results

While the community assessment results displayed a high level of interest in Northern Heights and Tweed Twenty UGA sub-areas and a lack of interest in Geneva, North Yew Street and Hillsdale need further study. Due to inconclusive results, the UW Team recommends that the City conduct more thorough research in North Yew Street and Hillsdale. Specifically in North Yew Street, it is recommended the City assess vacant property owner support through a mailed assessment, and partner with Whatcom County to consider adjusting the boundary for the UGA to exclude areas opposed to annexation and extend south to include all, or portions of, the South Yew Street Reserve Area.

LIST OF ATTACHMENTS AND APPENDICES

Attachments

- Attachment 1 - Initiative Website
- Attachment 2 - Email Invitation
- Attachment 3 - Project Fliers and Postcards
- Attachment 4 - Radio Station Public Service Announcement
- Attachment 5 - Press Release
- Attachment 6 - Social Media Announcements
- Attachment 7 - Comment Matrix
- Attachment 8 - Follow-up Email
- Attachment 9 - Community Assessment Questions
- Attachment 10 - Community Assessment Sample Area Maps
- Attachment 11 - Canvassing Script
- Attachment 12 - City of Bellingham Letter Drafted for Canvassing

Appendices

- Appendix A - Community Information Meeting Materials and Outcomes
- Appendix B - Community Assessment Analysis



City Council Agenda Bill

22293

Bill Number

Subject: An Ordinance Amending the Samish Way Urban Village (SWUV) Subarea Plan and Corresponding Development Regulations

Summary Statement: This ordinance includes updates to the 2009 SWUV plan and regulations for consistency with the 2016 Comprehensive Plan, 2017 Samish Way Corridor Study, 2014 Bicycle Master Plan, 2012 Pedestrian Master Plan and recommendations in the 2018 Urban Village Status Report. Amendments include: changes to bike parking standards, floor area bonus, street improvements, and residential uses/densities. The Planning Commission conducted a Public Hearing on January 24, 2019 and held a Work Session on February 7, 2019. City Council conducted a Public Hearing on May 6, 2019 and held a Work Session on May 20, 2019.

Previous Council Action: **SWUV plan and regs adopted (Nov '09); urban village recommendations (Dec '18); limited building height increase (Feb '19), Public Hearing (May 6), and Work Session (May 20)**

Fiscal Impact: **Staff time allocated in 2019-2020 Budget. Capital improvements as shown in Chapter 6 of the SWUV Plan**

Funding Source: **General Fund**

- Attachments:
1. ATTACHMENT 1 - STAFF MEMO
 2. ATTACHMENT 2 - DRAFT ORDINANCE
 3. EXHIBIT A - 2019 UPDATED MASTER PLAN
 4. EXHIBIT B - 2019 UPDATE TO BMC
 5. EXHIBIT C - 1-24-19 PLANNING COMMISSION FINDINGS
 6. ATTACHMENT 3 - UPDATED MAPS

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Vote Requested	7/01/2019	Pass Ordinance	Darby Cowles, PCDD	15 minutes

Recommended Motion:

Council Committee:
Planning and Community Development Committee

Agenda Bill Contact:
Darby Cowles, Planning and Community Development, 360-778-8300

Reviewed By	Department	Date
<i>Rick M. Sepler</i>	Planning & Community Development	6/20/2019

Council Action:

<i>Alan A. Marriner</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019



MEMORANDUM

TO: CITY COUNCIL MEMBERS, MAYOR KELLI LINVILLE
FROM: DARBY COWLES, SENIOR PLANNER
SUBJECT: SAMISH WAY URBAN VILLAGE UPDATE
DATE: JULY 1, 2019

City Council recommended the following changes to the proposed updated Samish Way urban village plan as a result of the public hearing held on May 6 and the subsequent May 20 work session:

1. Clarify that any future on-street parking added to N. Samish Way should continue to prioritize bicycle and pedestrian safety.

- a) Amended the figure to be added on page 26 of the Samish Way urban village plan to remove the example of a future cross-section for on-street parking, as shown in ATTACHMENT 3 – UPDATED MAPS.
- b) Amended policy language on page 26 of the urban village plan as follows:

“On-street parking on one side was also identified as a future possibility that could be accommodated when/if conditions warrant and funds are available for the substantial retrofit that would be required. Safety for people walking or on bicycles should be maintained or enhanced if this future retrofit occurs.”

2. Prohibit single-family, detached housing types in the Commercial Core.

Amended Table 20.37.120 – Permitted Uses in the development regulations to prohibit detached single-family dwelling units, accessory dwelling units, and the following Infill Housing types described in Section 20.28: smaller house, small house, cottage, shared court, and garden court. NOTE: This change results in two existing single-family residences within the Commercial Core becoming nonconforming uses, subject to BMC 20.14.

Changes to other urban village plans for consistency with this policy direction has been added to the running list of city-wide code updates.

3. Increase the threshold for the green building Floor Area Ratio bonus.

Amended Table 20.37.130 (B) – Summary of Floor Area Ratio Bonus Options and Section 20.37.130 B.4 (b)(iii) in the development regulations from LEED Silver to LEED Gold certification.

ATTACHMENT 2 – DRAFT ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE RELATED TO LAND USE PLANNING FOR THE SAMISH WAY URBAN VILLAGE UPDATING AND REVISING THE SAMISH WAY URBAN VILLAGE SUBAREA PLAN AND ASSOCIATED DEVELOPMENT REGULATIONS IN BMC 20.37.100 THROUGH BMC 20.37.170.

WHEREAS, the Bellingham Comprehensive Plan (Policy LU-18) provides direction to “develop new plans and update existing plans as needed to reflect the unique nature of each urban village”; and

WHEREAS, the original Samish Way Urban Village (SWUV) subarea plan was initiated by the community and adopted in 2009 after significant public outreach and involvement to develop the overall vision and goals; and

WHEREAS, while the overall vision and goals continue to be supported, the 2009 SWUV subarea plan conflicts with city-wide policy documents adopted since that time, including the comprehensive plan (2016), the pedestrian master plan (2012) and the bicycle master plan (2014); and

WHEREAS, updates to development regulations in other sections of the Bellingham Municipal Code have created inconsistencies between city-wide and Samish Way Urban Village development regulations; and

WHEREAS, a 2016-2017 study of the N. Samish Way transportation corridor identified an alternative cross-section that would result in a reduced number of drive lanes and improved conditions for bicycle and pedestrian safety; and

WHEREAS, an urban village status report, presented to City Council in December 2018, contained statistics and recommendations for amending development regulations to further encourage redevelopment in the Samish Way Urban Village; and

WHEREAS, changed conditions in the growth projections, hotel/motel market, and other features in the area are not described accurately in the current urban village plan; and,

WHEREAS, the Samish Way Urban Village plan is incorporated by reference into the Comprehensive Plan; and

WHEREAS, the City Council has docketed the review of the Samish Way Urban Village Plan as part of the 2018-2019 Comprehensive Plan Amendment cycle; and

WHEREAS, the preliminary proposed changes were presented to interested stakeholders at a neighborhood meeting held on October 24, 2018 at Garden View Methodist Church; and

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

Ordinance to update Samish Way Urban Village Plan

WHEREAS, on December 20, 2018, the City of Bellingham as lead agency under the procedures of the State Environmental Policy Act (SEPA), issued a Determination of Non-Significance; and

WHEREAS, in accordance with the Growth Management Act, the State of Washington was notified on January 2, 2019 of the City's intent to amend the subarea plan and development regulations for Samish Way Urban Village; and

WHEREAS, the Bellingham Planning Commission provided appropriate 30-day notice to conduct a public hearing on January 24, 2019 on the proposed urban village subarea plan and land use development code amendments. An additional work session was held on February 7, 2019 and thereafter the Planning Commission issued Findings, Conclusions and a Recommendation for adoption of amendments to the subarea plan and associated development regulations; and

WHEREAS, the Bellingham City Council held a public hearing on May 6, 2019 and a work session on May 20, 2019 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

WHEREAS, the City Council finds that the amendments to the Samish Way Urban Village subarea plan satisfy the requirements of BMC Chapter 20.20.040, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the York and Sehome Neighborhood Plans; and

WHEREAS, the City Council finds that the accompanying land use development code amendments satisfy the requirements of BMC Chapter 20.22, and are consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the York and Sehome Neighborhood Plans; and

NOW THEREFORE, THE CITY OF BELLINGHAM, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1: The Samish Way Urban Village subarea plan is amended as shown in **EXHIBIT A**.

Section 2. Bellingham Municipal Code Sections 20.37.100-.170, Samish Way Urban Village, are amended as shown in **EXHIBIT B**.

Section 3. The Council adopts the Findings of Fact, Conclusions and Recommendation of the Planning Commission included with this ordinance as **EXHIBIT C**.

PASSED by the Council this ____ day of _____, 2019.

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

Council President

APPROVED by me this ____ day of _____, 2019.

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published:

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

SAMISH WAY URBAN VILLAGE SUBAREA PLAN

City of Bellingham, Washington



Planning & Community Development Department
Adopted by Ordinance No. 20109-11-069XX-XXXX
November-XX 20109

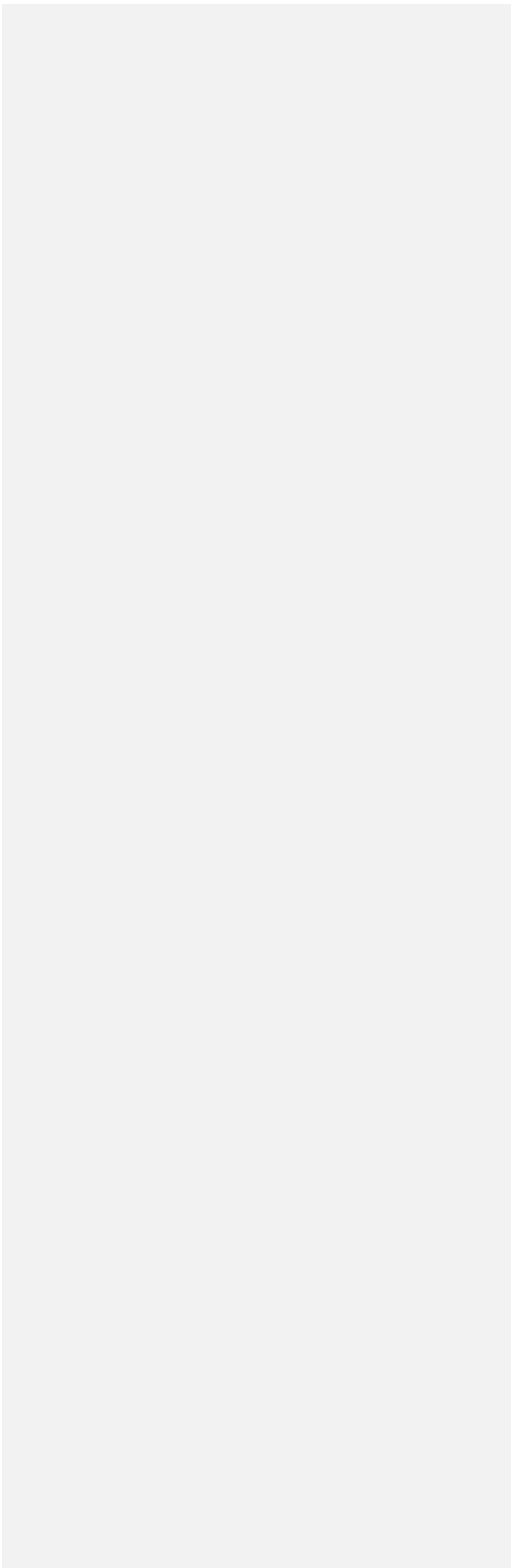
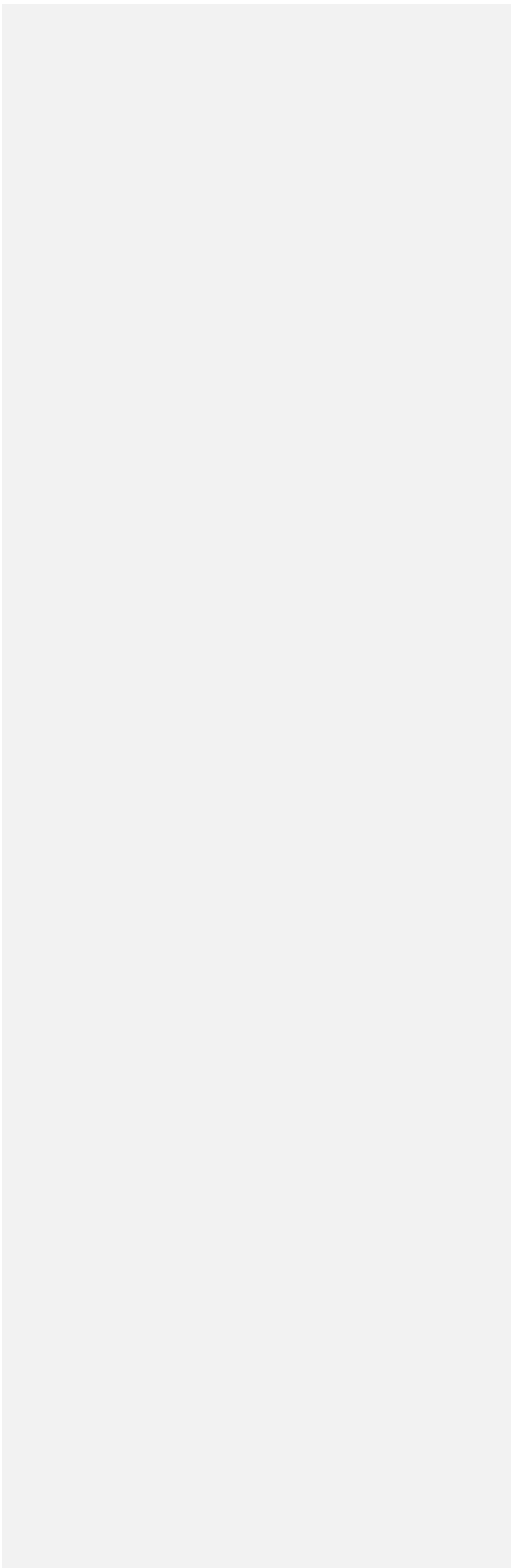


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1.1. PURPOSE OF THE SUBAREA PLAN

This document provides a policy framework for the creation-development of an urban village in a 7869-acre area surrounding Samish Way, generally located west of I-5 at the base of Sehome Hill Arboretum, north of Bill McDonald Parkway and south of Edwards Street. This area contains portions of the Sehome and York Neighborhoods. The goal of the Subarea Plan is to guide redevelopment towards the community vision. Specific implementing regulations must also be adopted to incorporate this vision into code.

Connections and compatibility to surrounding areas are of paramount importance. However, the goals here are only applicable to areas within the Samish Way Urban Village boundary.

1.2 RELATIONSHIP TO THE 2006-2016 COMPREHENSIVE PLAN

The 2006-2016 Comprehensive Plan states that anticipated population growth should be accommodated primarily through the creation of a series of within urban centers/villages. An urban center (or "urban village") is generally considered an area that:



- Contains a mix of commercial, residential, and service uses;
- Provides amenities and necessities within walking distance;
- Is designed for pedestrians, bikes, and transit, as well as the automobile;



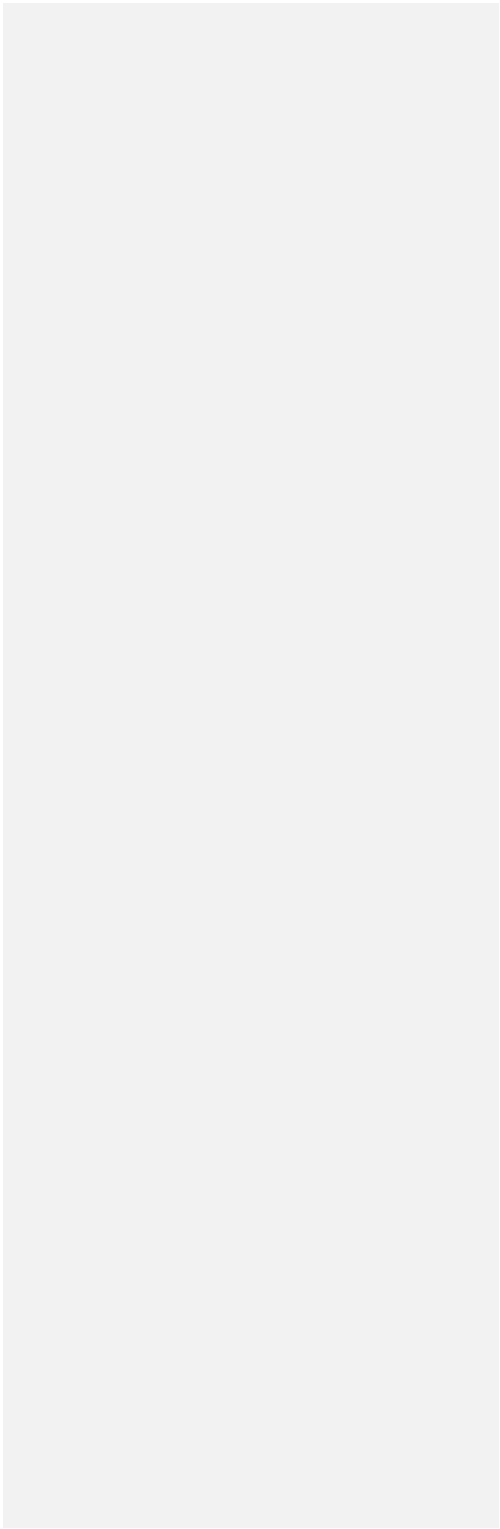
- Facilitates strong community connections and interaction by serving as a neighborhood focal point and providing active public spaces; and
- Promotes sustainability and quality design.

The Comprehensive Plan designates the Samish Way area as an potential-urban village. Comprehensive Plan policy FLU-18 directs that the City develop new plans and update existing plans as needed to reflect the unique nature of each urban village. Subarea Plans be developed for each of the proposed urban villages. Each plan must specify the following elements:

- Land uses and densities;
- Street and utility layouts;
- Lot arrangements, housing types;
- Plaza locations, streetscape amenities;
- Relationship of buildings to the street;
- Parking structures or lots;
- Protection of critical areas;
- Pedestrian and bicycle facilities; and
- Other items deemed necessary to ensure compatibility with surrounding areas.

These elements are each addressed in this Subarea Plan and/or the associated development regulations. The Samish Way Subarea Plan was originally adopted in 2009, and was amended in 2019 to reflect new information and consistency with other adopted policy documents.

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1.3 THE PLANNING PROCESS

In 2004, a group of students at Western Washington University presented their ideas to the community illustrating the potential for the area surrounding Samish Way as a dynamic, people-centered place. This led to the formation of a Sehome Neighborhood Association committee to investigate neighborhood sentiments about this kind of redevelopment along Samish Way.

Starting from neighborhood survey data, the neighborhood association conducted outreach over the course of almost three years to discover interest, objections, and preferences regarding a walkable, mixed-use community along the Samish Way corridor. Outreach efforts included door-to-door contact with area businesses, multiple presentations and input opportunities for the Sehome and surrounding neighborhood associations, and collaboration with a local nonprofit, Sustainable Connections, for a professionally-moderated design charette as well as a business breakfast meeting attended by about one-third of area businesses.

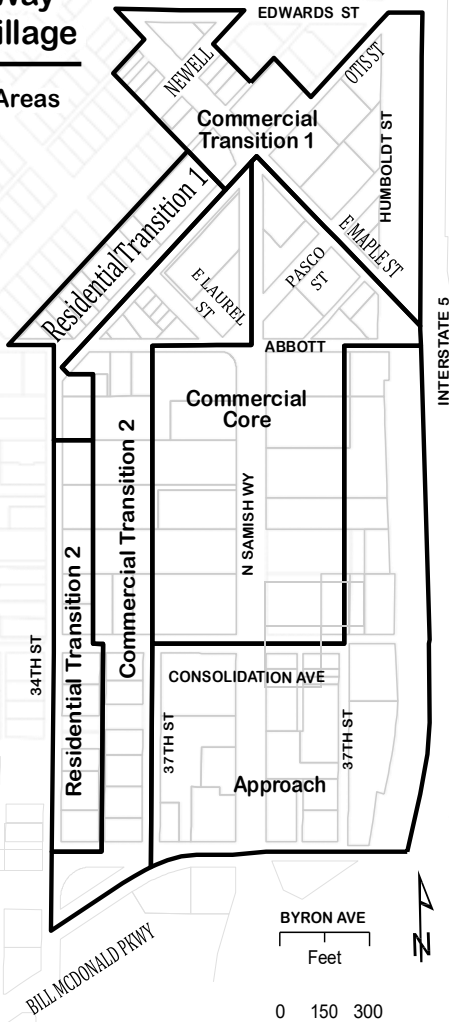
These efforts culminated in the inclusion of the urban village concept in the proposed update to the Sehome Neighborhood Plan, as well as support in the proposed York Neighborhood Plan update, which led to the initiation of the City-sponsored master planning and rezoning process.

June 2008, the City launched the master planning process by inviting the general public and all anticipated stakeholders to attend a series of four

Commented [DC2]: Updated map shows Aloha Motel parcel (315 N Samish) in the Commercial Core

Samish Way Urban Village

Land Use Areas



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workshops to discuss the future vision of the area. The purpose of these workshops was to gather input on how the area should redevelop over time to achieve the goals of an urban village. Each workshop focused on a different subject:

Meeting #1: Introduction and Character - Discussion of the strengths and weaknesses of the project area in terms of how these elements help or hinder the development of an urban village.



July 2008 Workshop Participants

Meeting #2: Public Realm: Streets, Trails and Plazas - Focus on street design, trail connections and plazas.

Meeting #3: Development Character: Permitted Uses, Design and Scale – Discussion of future

Approximately 50 people attended each meeting, including neighbors, business owners, property owners, developers, real estate agents, land use consultants, and other interested stakeholders. At the conclusion of the workshops, staff hired a private engineer, architectural firm, economist, and transportation planning firm to analyze the feasibility of the concepts that were generated.



Staff presented the resulting draft master plan concepts and regulations for public review at a pre-application meeting on February 26, 2009, then to numerous City Boards and Commissions, City Departments and

small stakeholder groups, which led to the finalization of the plan.

[The Samish Way Urban Village Subarea Plan was updated in 2019 to reflect changing conditions, such as the adoption of new city-wide a Pedestrian Master Plan \(2012\), a Bicycle and Pedestrian Master Plans \(2014\), a Comprehensive Plan update \(2016\), and completion of an in-depth transportation study \(2016-2017\) for the feasibility of a new multimodal cross-section for the Samish Way corridor. The update also included recommendations from the City's Urban Village Status Report, which was published in late 2018.](#)

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development regulations, including permitted uses, design standards, floor area limits, height, and identification of “core” and “transition” zones.

Meeting #4: Summary of Input and Discussion of Alternatives – Presentation and discussion of concepts gathered at the previous meetings.



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1.4 NATURAL AND HISTORIC CONTEXT

Sehome Hill Arboretum provides a striking backdrop to this valley, which was established by early fishermen and builders as one of Bellingham's first developed neighborhoods. It wasn't until Highway 99 was constructed that the area began seeing the auto-oriented commercial development that exists along Samish Way today.

In general, the site slopes gently to the south from Edwards Street at its north end and to the east from 34th Street at an overall low grade, with some areas of rolling surface. Along Samish Way itself, the road consistently loses elevation from north to south.

History of Samish Way

In the early 1930s, Samish Way was known as Maple Valley Road, a gravel road bounded by fields, trees and a few houses. In 1936, the road became part of Highway 99, also known as Pacific Highway 1, which ran along the West Coast from Mexico to Canada. By the mid 1950s, this main route into Bellingham had



1960 Aerial Photo of I-5, Bill McDonald Parkway and Samish Way (Jack Carver)

blossomed with motels, gas stations and other auto-oriented businesses. Reminders of that area include the Aloha Motel.

Rocket Express, serving coffee and doughnuts, is housed in the old two-pump gas station that opened in 1933 as Johnson Motor Service. (Bellingham Herald, October 2008)

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Johnson Motor Service circa 1933 (Marlene Hadley)



2009 use: Rocket Donuts

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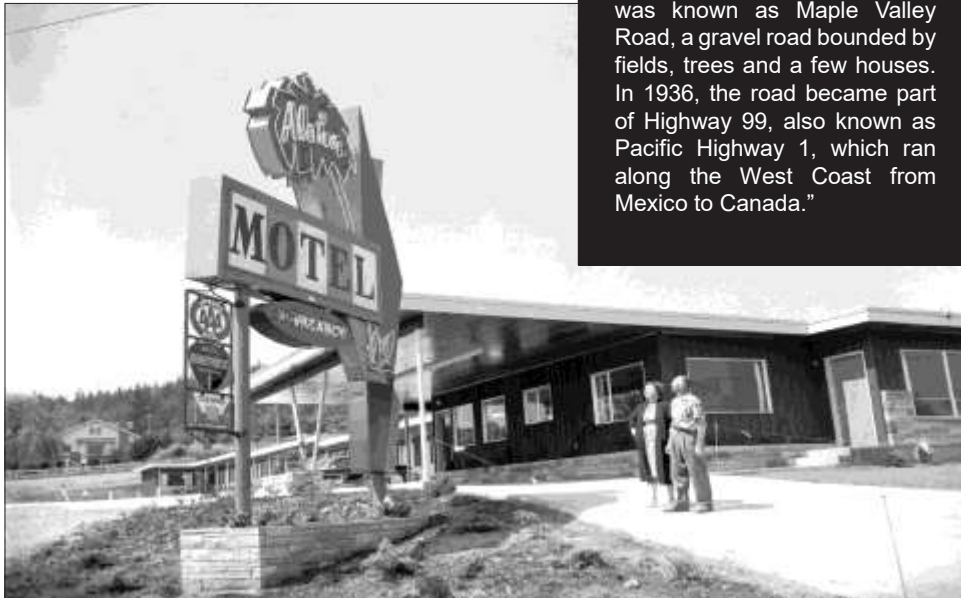
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In 1950, when Bellingham's population was around 34,000 people, there were approximately 38,000 cars using Highway 99 every day, most with destinations outside of Bellingham and most without stopping. In 1960, the first stretch of Interstate 5 opened between Samish Way and Northwest Avenue. The businesses along Samish Way west of I-5 have remained oriented to travel and auto oriented uses today largely due to the location of I-5's interchanges.



1946 Historical Photo - Heading North on Samish Way turning into Maple St. (Jack Carver)

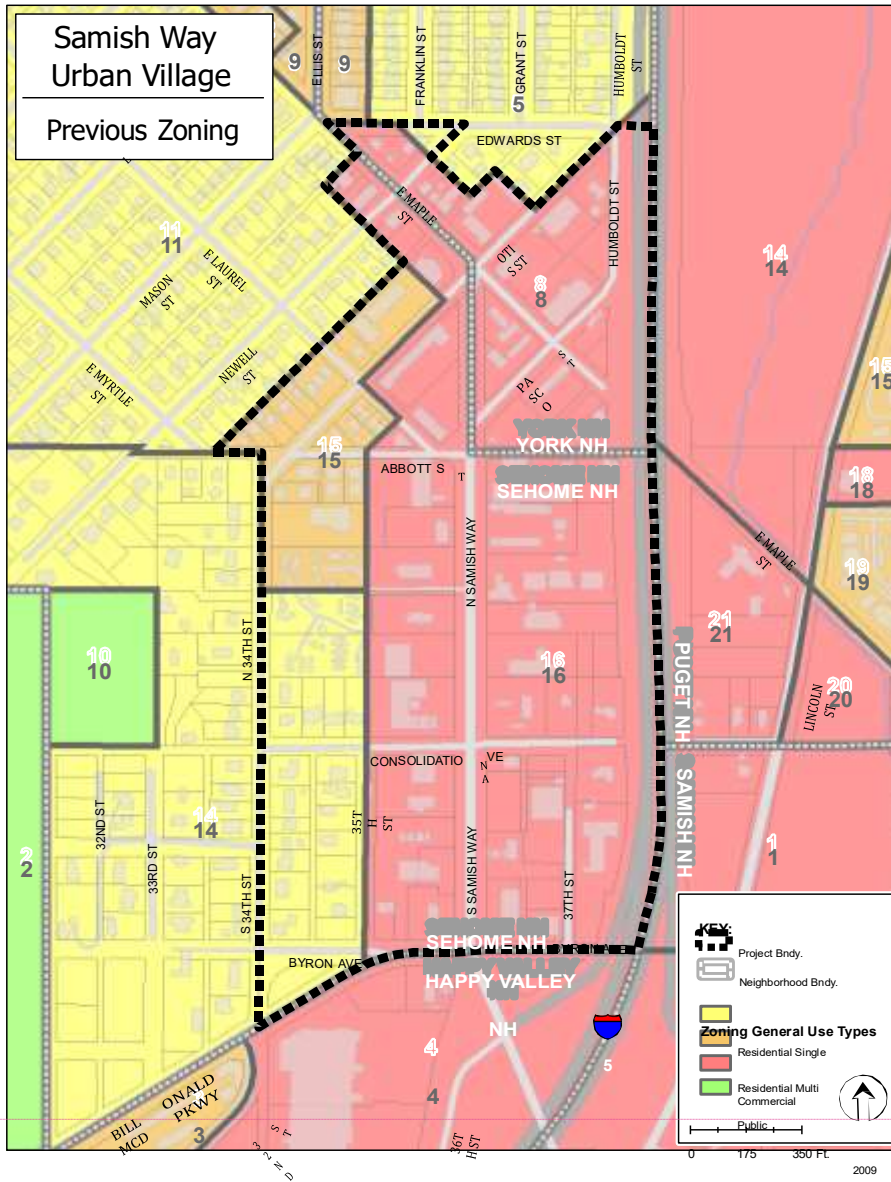
"In the early 1930s, Samish Way was known as Maple Valley Road, a gravel road bounded by fields, trees and a few houses. In 1936, the road became part of Highway 99, also known as Pacific Highway 1, which ran along the West Coast from Mexico to Canada."



Aloha Motel 1960 (Jack Carver)

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INTRODUCTION

The Area Today

Samish Way is a gateway to Western Washington University (WWU), downtown, the waterfront and Lake Padden. The area is easy to access from Interstate-5, which may perpetuate the automobile service-orientation of many businesses along this stretch. Currently, the area contains commercial and limited residential development, and the vast majority of the area is covered by parking lots. Approximately 61.7% of the project area is currently covered ~~in~~ with impervious surfaces.

Businesses along Samish Way include gas stations, hotels, restaurants, and retail establishments. The nearby Sehome Village shopping center provides grocery and other retail services to the south of the project boundary.

The areas to the west and north/northwest of the area are primarily residential, with single-family homes and small apartment buildings.



Looking north on Samish Way

Commented [CD5]: Photos updated with current images.



Looking south on Samish Way towards Bill McDonald Parkway



Parking Lot adjacent to Samish Way



Abbott Street

CHAPTER ONE
INTRODUCTION

CHAPTER TWO VISION

2. VISION

Envision Samish Way in the future. After passing the freeway service businesses near Bill McDonald Parkway, visitors enter a welcoming gateway to Bellingham, greeted by a tree-lined streetscape with wide sidewalks supporting cafes and window shoppers. The area feels comfortable, bright, and is spotted with small green spaces and public amenities.

In the morning, residents of the nearby historic neighborhoods stroll down the hill for a cup of coffee through the tree-lined bike and pedestrian trails that connect their homes to the urban center. They join the diverse mix of residents from the condos and apartments above as they start their day at a breakfast eatery.

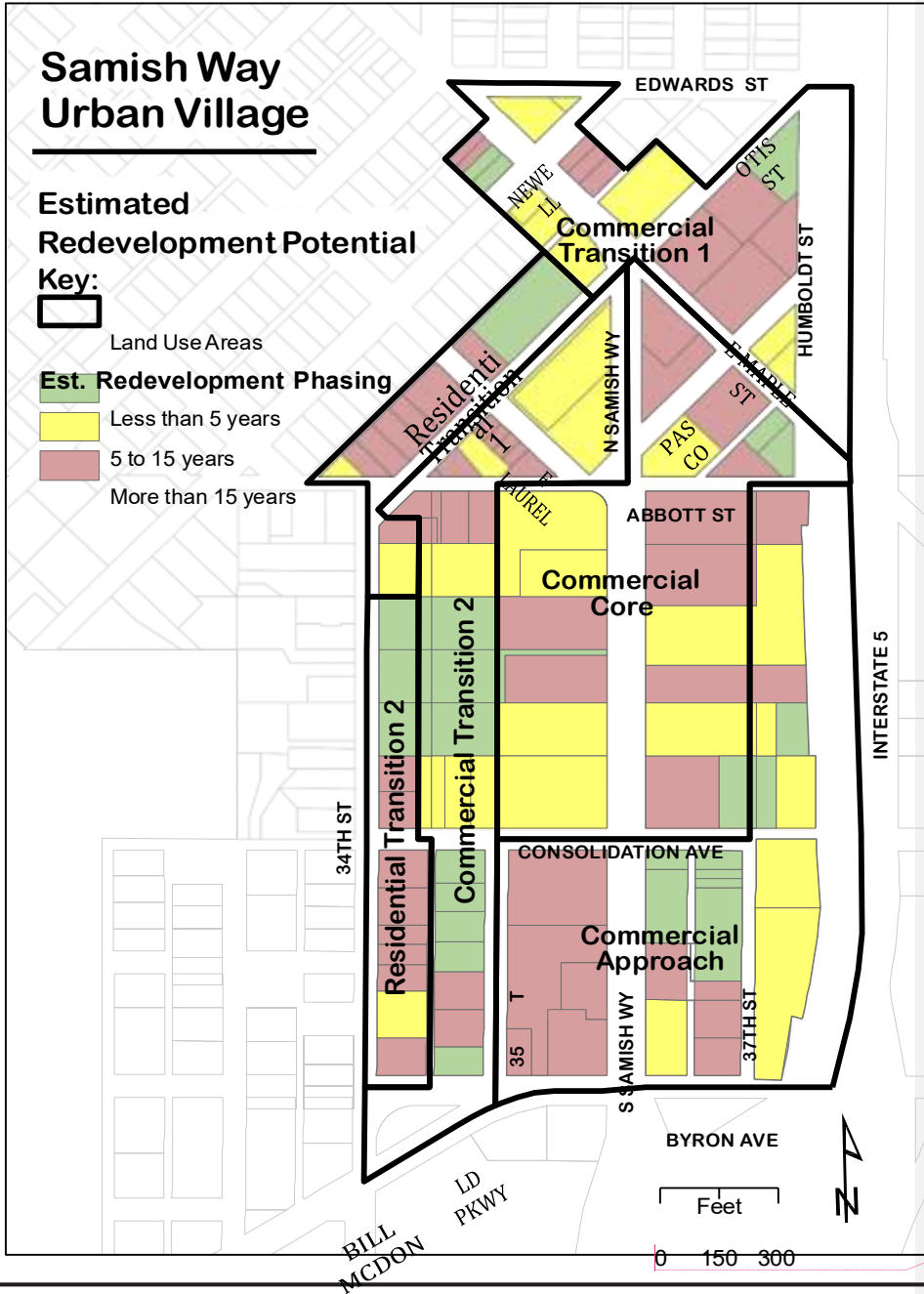
Casual lunchtime spots are filled with students and workers enjoying free internet access along the tree-lined sidewalks safely separated from Samish Way car traffic. Business is brisk all day, with a diverse mix of retail and professional services complementing each other. Cars move slowly past the tree-lined median, stopping at the signalized intersections to allow students heading up and over Sehome Hill to cross the street.

In the evening, neon signs advertising the nightlife infuse the area with an atmosphere of fun that draws families as well as the young professionals and



Commented [CD6]: Photos updated.

CHAPTER TWO VISION



Commented [CD7]: Updated map shows properties that have been redeveloped since 2009 and some changes to reflect property status. Added language: "short-term, mid-term, long-term".

CHAPTER TWO VISION

WWU faculty that live in the area. The couple sitting in the drive-up burger joint remembers this was once Old Highway 99.

Many people who visit from other parts of town enjoy riding the bus on the [GO Line high-frequency transit line](#) that offers frequent transit service through the area, or else they park their car in the garage located below the business they're visiting. The solid row of businesses along the street draw people to continue window shopping until they are surprised to find they've perused the whole stretch of "The Way".

From the urban center, the taller buildings abutting Samish Way taper down to single-family and courtyard housing, facing the landscaped park-like expanses of the single-family homes which back up to the Historic Districts and Sehome Hill Arboretum above.



2.1 REDEVELOPMENT POTENTIAL

~~In 2008, e~~Each parcel within the Samish Way Urban Village was evaluated for its redevelopment potential based on recent financial investment in the property, the condition of existing structures, the redevelopment interest of the property owners, and physical parcel characteristics [to estimate a general timeline for redevelopment](#). ~~Utilizing this analysis, it's estimated that up to 2013 growth projections estimated 1,294,646 housing units and 612,250,306,125 square feet of commercial space may be added to the area by 2022-2036. This level of residential development would result in a net density of approximately 29 units per acre. Limited development is anticipated within the was limited during the first 5-10 years of the plan's adoption of this plan, with only three new residential units and 17,530 square feet of commercial space added during that period. Some parcels may not develop until 2022 or later, depending on the economic environment.~~ [Changes in market and regulatory](#)



Commented [CD8]: Updated images.

CHAPTER TWO
VISION

conditions are expected to speed up pace of
redevelopment over the next decade.

SAMISH WAY URBAN VILLAGE SUBAREA PLAN

CHAPTER TWO
VISION

CHAPTER THREE DEVELOPMENT CHARACTER

3. DEVELOPMENT CHARACTER

Housing

There are currently 169 residential dwelling units in Samish Way urban village. The units are split almost evenly between condos (23%), single-family (22%) and apartments (22%). Mobile homes parks make up another 15% of the housing. There are 38 units subsidized for low-income residents, which reflects 22% of all housing units in Samish Way urban village.

Employment

There are currently 71 employers in the Samish Way urban village, providing a total of 595 jobs. Of these, 57% are in hospitality or food and beverage, 20% are retail, and another 17% are commercial businesses.

Environment

The LEED-ND (Leadership in Energy and Environmental Design for Neighborhood Development) rating system was developed by the U.S. Green Building Council to analyze whether a development will achieve a more sustainable development pattern. LEED-ND categories include several aspects of development, including “Smart Location and Linkage”, “Neighborhood Pattern and Design”, and “Green Construction and Technology”.

Many of these elements must be achieved on a site-specific project level at the discretion of the individual developer. However, using just the known aspects of the Samish Way Subarea Plan, it appears this urban village could achieve at least a LEED Silver rating if constructed as envisioned. This is due primarily to the following plan elements:

Smart Location: The project is located on a previously-developed site within the City limits and is served by existing utility and street infrastructure



CHAPTER THREE

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Environmental Sensitivity: Except for a few steep slopes, there are no environmentally sensitive areas (such as wetlands, streams, floodplains, agricultural land, etc.) within the site boundaries.

Transportation Network: The project includes the creation of a more compact street grid to facilitate connections within and through the area. Additionally, and more frequent bus service is proposed may be provided by WTA as density in the area increases. Bike and pedestrian pathways through the area will be added and clearly delineated through a wayfinding system.

Compact, Mixed-Use Development: The goal of the Subarea Plan is to create a walkable, mixed-use neighborhood with a variety of businesses and services. Buildings would be designed to enhance the pedestrian experience, and the impacts from automobiles mitigated through traffic management and design standards.

Property owners and developers in the area are encouraged to consider how the LEED-ND or other green building criteria may be incorporated into their own site-specific redevelopment projects to save money on energy costs and meet the stated sustainability goals of the community.

3.1 DEVELOPMENT CHARACTER POLICES

Land Use Policies

- Encourage a healthy mix of residential and commercial uses to make the area a desirable place to live, work and play.

CHAPTER THREE DEVELOPMENT CHARACTER

- ~~Explore the establishment of a~~Continue to offer the Multi-family Tax Exemption ~~program~~zone within the Subarea to encourage market rate and affordable residential development.
- Allow light manufacturing and some auto-oriented uses within the Approach area.
- Require ground floor ~~commercial-retail~~ uses ~~along Samish Way and emphasize Samish Way between the Otis Street and Abbott Street intersections~~ as the primary commercial ~~corridor~~mode. Provide flexibility in other areas where topography, power lines, onstreet parking and/or market conditions do not support commercial uses in the short-term. In these cases, ground floor residential development should be designed for the future retrofit to commercial uses.
- Encourage development of a community center, day care, and other family-oriented uses, preferably in close proximity to the public plaza.

- Add street trees and landscaping to the right-of-ways within the project area.

Site Design Policies

- Develop ~~sites~~street frontage to create an interesting and comfortable environment for pedestrians.
- Construct buildings adjacent to the sidewalk except when setback to accommodate plazas, outdoor dining, wider sidewalks or enhanced landscaping.
- Locate eateries, outdoor cafes and plazas on the south and west sides of the development whenever possible to maximize light, warmth and comfort.
- Encourage structured parking where possible to focus ground floor space on pedestrian retail activity and other active uses. Where structured parking is impractical, locate it behind the building and provide landscaping to lessen the impact on the public streetscape.



~~The hotel market in Bellingham and Whatcom County is relatively strong (Property Counselors, 2009). Nine motels flank Samish Way between [redacted] St. and Bill McDonald Parkway. Hotels and motels are encouraged to continue to provide~~

~~imity to I-5, Western Washington University, and other area attractions. New hotels accommodations in the area, which is in close prox-~~
~~and motels should consider incorporating ground floor uses, such as restaurants, that support the pedestrian character and provide services for area residents.~~

Commented [CD9]: Updated Text Box: "The lodging industry in Bellingham experienced phenomenal growth between 2008-2018, with the addition of over 400 new hotel rooms, primarily in the north end of town, according to Bellingham/Whatcom County Tourism. Meanwhile, two motels in the Samish Way urban village closed due to enforcement issues (including one, the Aloha Motel, which was purchased through condemnation proceedings and demolished by the City, then later sold to the Bellingham/Whatcom Housing Authority for redevelopment). The remaining motels along the Samish Way corridor continue to serve budget travelers and those visiting nearby Western Washington University; however, the market is not likely to result in hotel/motel redevelopment or addition of lodging in this area in the near future."

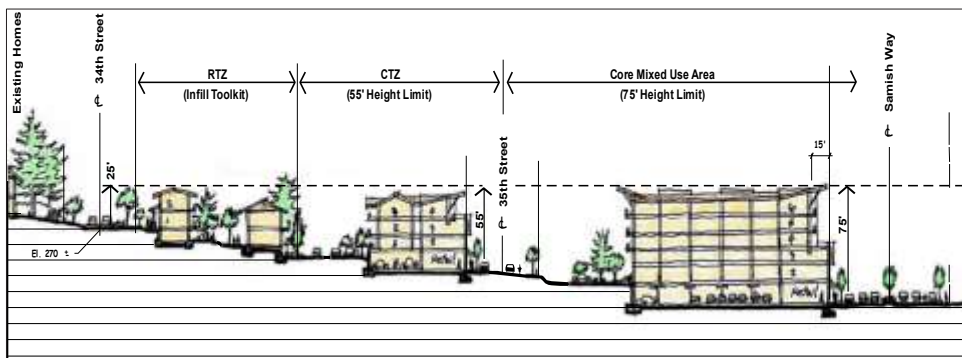
CHAPTER THREE DEVELOPMENT CHARACTER

- Incorporate bio-swales and other low-impact stormwater management techniques ~~into landscape medians, street plantings and private stormwater systems~~ where possible to provide an aesthetic amenity and reduce the impacts of stormwater runoff.



Building Design Policies

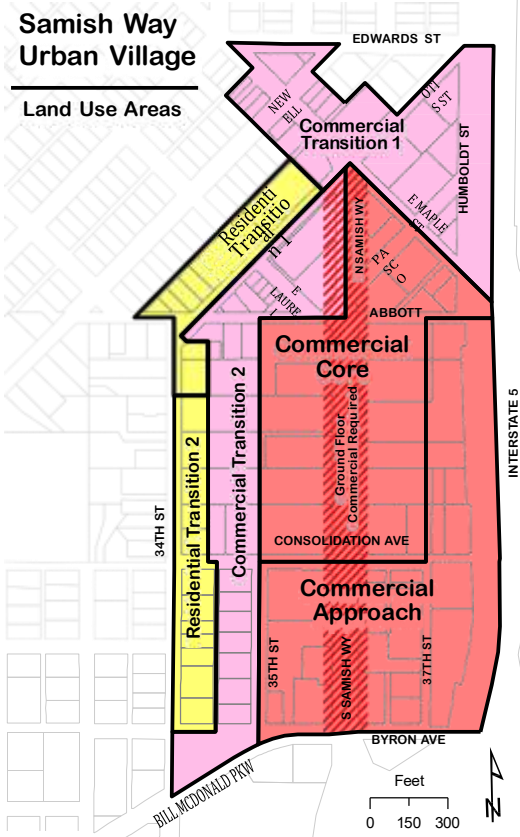
- Employ a design review process that ensures projects comply with the intent of the established design standards.
- Encourage developers to implement Washington State Department of Transportation (WSDOT) noise mitigating measures in buildings adjacent to I-5 to buffer traffic noise.
- Establish building heights that create appropriately-scaled development for the desired intensity while providing economically feasible redevelopment opportunities.
- Require signs to be appropriately scaled in proportion to the building and site.
- Monitor the effectiveness of the adopted Design Review criteria as development occurs in the area.



CHAPTER THREE DEVELOPMENT CHARACTER

Samish Way Urban Village

Land Use Areas



Commercial Core (C) -
The Commercial Core area is intended to be the densest area within the urban village with the highest concentration of employment and housing. This area is likely to have direct access to transit and a wide range of supportive land uses such as retail, office, recreation, public facilities, parks and open space. The pedestrian environment is emphasized.

Commercial Approach (C) -
The Commercial Approach area is intended to allow commercial uses similar to the Core, with a less intensive mix of ground floor pedestrian oriented uses such as offices and interspersed drive through services such as gas stations, banks and fast food restaurants. Some light industrial and auto oriented uses are allowed to continue due to proximity to I-5 and the auto focused history of the area.

Commercial Transition (CT) -
The Commercial Transition areas ~~are intended to~~ allow commercial uses similar to the Core and Approach Areas, but ~~those with less limits on height, FAR and uses that may generate more noise and/or vehicular impacts on abutting residential areas. Height limits are lower to lessen the impact on the adjacent residential areas.~~ Residential-only buildings are ~~more likely to occur in the CT~~ allowed in the Transition areas than mixed-use buildings, given the focus on N. Samish Way street front commercial development. ~~However, they should all buildings should be~~

Residential Transition (RT) -
The Residential Transition areas are immediately adjacent to existing single-family neighborhoods. A mix of residential housing types is encouraged to support the abutting commercial area and provide housing choices for people of various incomes and ages.

Commented [CD10]: Updated map includes the Aloha Motel parcel (315 N Samish) in the core and required ground floor commercial between Otis and Abbott intersections.

CHAPTER THREE

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*designed
with an active and direct interface with
the street to support the pedestrian
experience.*

CHAPTER THREE

DEVELOPMENT CHARACTER

3.2 IMPLEMENTATION STRATEGIES

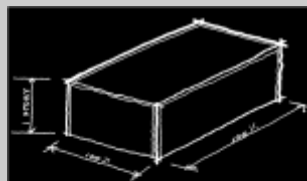
- Adopt development regulations to insure all redevelopment complies with the community vision established in this document.
- Develop an economically feasible Floor Area Ratio (FAR) system, allowing for increase in development capacity in exchange for provision of public amenities such as affordable housing, green building, public plaza dedication and/or contribution to the Lake Whatcom Watershed Acquisition Fund.
- Establish four development areas based on the desired intensity of development and physical characteristics: Commercial Core, Commercial Approach, Commercial Transition, and Residential Transition areas. These areas are intended to ensure development is appropriately scaled and to allow uses that are compatible with the surrounding neighborhoods.
- Reduce the minimum parking rate and provide bicycle parking with all new development in the Commercial areas to support the multi-modal nature of the urban village.



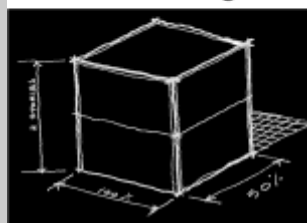
- Establish landscaping requirements to increase the amount of vegetation provided with new development.

What is Floor Area Ratio (FAR)?

FAR is the gross square footage of a building divided by the square footage of the site.



Two different forms of a 1.0 FAR building



For example: In both examples above, the building is 10,000 square feet, and is built on a 10,000 square foot lot. This is an FAR of 1.0.

If you know the FAR and you want to calculate how much gross floor area you could build, multiple by the FAR by the site area.

- Encourage incorporation of smaller evergreens and other vegetation found in the Sehome Hill Arboretum to strengthen the connection to help integrate this open space amenity with the urban village.
- Work with neighborhood associations and private property owners to adopt a tree preservation plan identifying trees and other native vegetation that should be preserved to support habitat and add aesthetic value to the area.

Commented [CD11]: Updated photo using an image from Bellingham.

CHAPTER THREE
DEVELOPMENT CHARACTER

CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING

4. CIRCULATION, STREETSCAPE AND PUBLIC PARKING

EXISTING CONDITIONS (2019)

Street right-of-way accounts for approximately 34 of the ~~69.2578~~ total acres of the project area (~49%). N. Samish Way defines the character for most people traveling through in their cars. Wide traffic lanes, narrow unprotected sidewalks, businesses separated from the street by parking lots, and a lack of vegetation creates an threatening unpleasant environment for people and discourages pedestrian activity. Flashing crosswalks and pedestrian refuges were added at several locations along the corridor, which have improved pedestrian safety.



Bicyclists riding on Samish Way sidewalk

Most bicyclists choose to ride on the sidewalk, which exists only on Samish Way and parts of Byron Avenue. These sidewalks are interrupted by numerous driveway curb-cuts, creating the potential for collision with vehicles attempting to enter the roadway.

A comprehensive corridor study was completed in 2016 to examine alternatives for the Samish Way streetscape. This study identified several methods for improving bicycle and pedestrian comfort and safety, and to change the street to a more urban character. These improvements are intended to be constructed in 2020, as resources allow.

Some Side streets in the district often dead-end or have 1 way access, and lack of streets-right-of-way in other areas results in large “superblocks” with no through pedestrian or vehicular access for over 900 feet in some cases.

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CIRCULATION, STREETSCAPE AND PARKING

In contrast, 34th Street has a pleasant rural environment despite its proximity to Samish Way and Bill McDonald Parkway. Shared lane markings were added in 2018 to direct bicyclists from Bill McDonald Parkway, along 34th Street to signalized crosswalks at Otis/Maple/Samish and beyond to Lakeway Drive through the York Neighborhood. This link to the surrounding bicycle network was recommended in the 2014 city-wide Bicycle Master Plan, and provides an alternative bike route with less traffic than Samish Way.

Pedestrians appear comfortable walking down the street, surrounded by well-established vegetation. However, there are limited connections to the Sehome Hill Arboretum or into the commercial area, and no sidewalks exist.

As Samish Way redevelops, adequate parking must be provided in a way that does not detract from the intended pedestrian-oriented streetscape. Shared parking facilities should be encouraged and on-street parking added to side streets wherever possible as conditions warrant to support the commercial activity in the area and to protect adjacent residential neighborhoods.

4.1 CIRCULATION, STREETSCAPE AND PARKING POLICIES

Circulation Policies

- Enhance the street grid and eliminate-reduce the impact of “superblocks” by extending connections from 35th Street and 37th Street between Consolidation Avenue and Abbott Street. Right-of-way should be dedicated upon property redevelopment for this purpose.
- Add a new east-west mid-block pedestrian connection between Abbott Street and Consolidation Avenue to connect from 34th Street to the Commercial areas should be

provided as shown on the right-of-way and pedestrian connection map on page 243.

- ~~Support street vacations when exchanged for newly dedicated right-of-way.~~

CHAPTER FOUR CIRCULATION, STREETSCAPE AND PARKING

- Create an access management ordinance that requires redevelopment to consolidate individual driveways to shared driveways along N. Samish Way to increase automobile, bicycle, and pedestrian safety. An access management ordinance would allow for the identification of future opportunities for landscaped medians that could be constructed in the center turn lane if driveways are consolidated and/or eliminated.
- Consistent with the City's 2016-2017 Samish-Maple-Ellis Corridor Study completed by Public Works, rReduce Samish Way to two one vehicle lanes in each direction, add buffered bicycle facilities lanes in each direction, and a intermittent landscape median/turn lane to on Maple Street between Otis and Edwards where feasible.
- Once the Samish Way transportation improvements listed above are completed, rReduce the posted speed limit along Samish Way to a maximum of 25 miles per hour as redevelopment occurs and automobile traffic increases to make the street more comfortable for bikes/pedestrians and increase the visibility of businesses to passerby.
- As warranted over time as redevelopment occurs and as vehicle traffic increases, dd construct traffic signals or roundabouts to on Samish Way at the intersections with Abbott and Consolidation to manage traffic flow from side streets while maintaining and create safe pedestrian crossings.
- Highlight pedestrian crossings with bulb-out sidewalks, use of different surface materials and markings, and use of the landscape median as a mid-street pedestrian refuge.
- Add a new traffic signal pedestrian-activated pedestrian crossing signal to the intersection of 35th Street and Bill McDonald Parkway.
- Work with WTA to design a bus pullout in the public right-of-way on the north side of Bill McDonald parkway between 34th and 35th Streets that is capable of accommodating future 70-foot long articulated busses traveling to WWU, prior to 35th Street being opened to traffic.
- Study future multimodal transportation improvements to the Samish Way/Bill McDonald Pkwy intersection, which is expected to experience significant morning and evening vehicle traffic congestion. Provide a double left turn lane at Bill McDonald Parkway to allow for adequate storage space for vehicles preparing to turn northbound onto Samish Way.
- Add new multi-use public trail connections to the Sehome Hill Arboretum at Allen Avenue and Newell Street, as identified in the Sehome Arboretum Master Plan.
- Establish a Expand the City's vehicular, pedestrian and bicycle wayfinding systems to guide people to and from the Sehome Hill Arboretum, WWU, Lake Padden and downtown.
- Supply curb cuts through the traffic diverters at Grant and Humboldt Streets to allow bikes and wheelchair access between the Samish Way Urban Village, Franklin Park, and the York Neighborhood.

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CIRCULATION, STREETScape AND PARKING

- Explore the feasibility for a bike and pedestrian overpass across Interstate 5 near ~~E-~~ Maple and Abbott Streets Consolidation Avenue to connect the Samish Way Urban Village to the Western Washington University/Whatcom Transportation Authority Park and Ride and developed neighborhoods east of I-5.
- As traffic increases, implement traffic management techniques as needed along 34th Street (based on established Public Works' ~~adopted~~ criteria) to regulate traffic flow through the established neighborhoods.
- Prohibit vehicular access from 34th Street to the commercially-zoned areas of the urban village, except for emergency vehicles as needed.

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CIRCULATION, STREETScape AND PARKING



Looking North on new 35th Street towards Abbott



Artist rendering of 35th street

Transit Policies

- Provide covered bus shelters and other amenities at bus stops and orient development towards transit stops to create a comfortable and interesting environment for pedestrians and transit riders and promote transit use.
- Encourage WTA to expand high-frequency ("GO Line") transit service as redevelopment occurs and as new residential density creates a ridership base to connect the Samish Way corridor to WWU and downtown.
- Relocate the westbound transit stop at Bill McDonald Parkway to the City right-of-way at Byron and 35th Street (across the street from the eastbound transit stop) to facilitate a safer pedestrian crossing to the Sehome Village retail service area and provide a pleasant environment for transit riders.
- Work with WTA to design a bus pullout in the public right-of-way on the north side of Bill McDonald parkway between 34th and 35th Streets that is capable of accommodating future 70-foot long.

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CIRCULATION, STREETScape AND PARKING

articulated buses traveling to WWU.

- Accommodate either 2 buses or a double bus at new bus pull-outs to support an eventual increase in transit service.

CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING



Courtesy of Whatcom ~~Transit~~
~~Transportation~~ Authority

- Add street furniture, public art, and pedestrian-scale lighting to ~~streets within the~~
~~retail core~~ to create a sense of place and define the center of the village.
- ~~Provide stormwater treatment in public landscape beds wherever possible.~~
- ~~Construct a continuous 14-foot wide “sharrow” lane to accommodate bicycles along each outside travel lane of Samish Way. Each sharrow should be marked with a bicycle symbol to clearly identify that it is a shared lane for both bicyclists and motorists.~~

- ~~Consolidate transit stops and fire hydrants into one location to maximize on-street parking.~~

- Encourage developers to work with WTA to provide annual bus passes to residents and/or employees in exchange for development incentives such as reduced parking requirements or transportation impact fees.

Streetscape Policies

- ~~Add a landscape median with left turn pockets at major intersections and consolidated driveways, and include street trees and landscaping along Samish Way.~~

- Maximize sidewalk width for pedestrian safety and comfort.



Example of a sharrow

- Narrow the drive lanes on residential and commercial shopping streets to slow traffic and allow wider sidewalks.

Commented [CD12]: Updated photo to show local example.

CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING

- Design streets bordering the existing single-family neighborhoods to reflect the adjacent residential character and provide a buffer from the urban village.



Public Parking Policies

- Consider expanding the Residential Parking Zone (RPZ) if needed to limit parking encroachment into adjacent single-family neighborhoods as density occurs.
- If parking demand and commercial activity warrants over time, reconstruct and shift center pedestrian refuges and landscaped medians and downgrade buffered bike lanes to a Add on-street metered parking to the Commercial Core one side of Samish Way. Install parking meters in this area, utilizing revenue from the meters to form a Parking Benefit District for maintenance and improvements.

- Encourage on-street parking on and all side non-arterial streets where possible.

4.2 IMPLEMENTATION STRATEGIES

- ~~Create a Maintenance District for the public spaces, landscaping and other public amenities within the Subarea.~~

Commented [CD13]: Insert Bike/Pedestrian Connections map in this section.

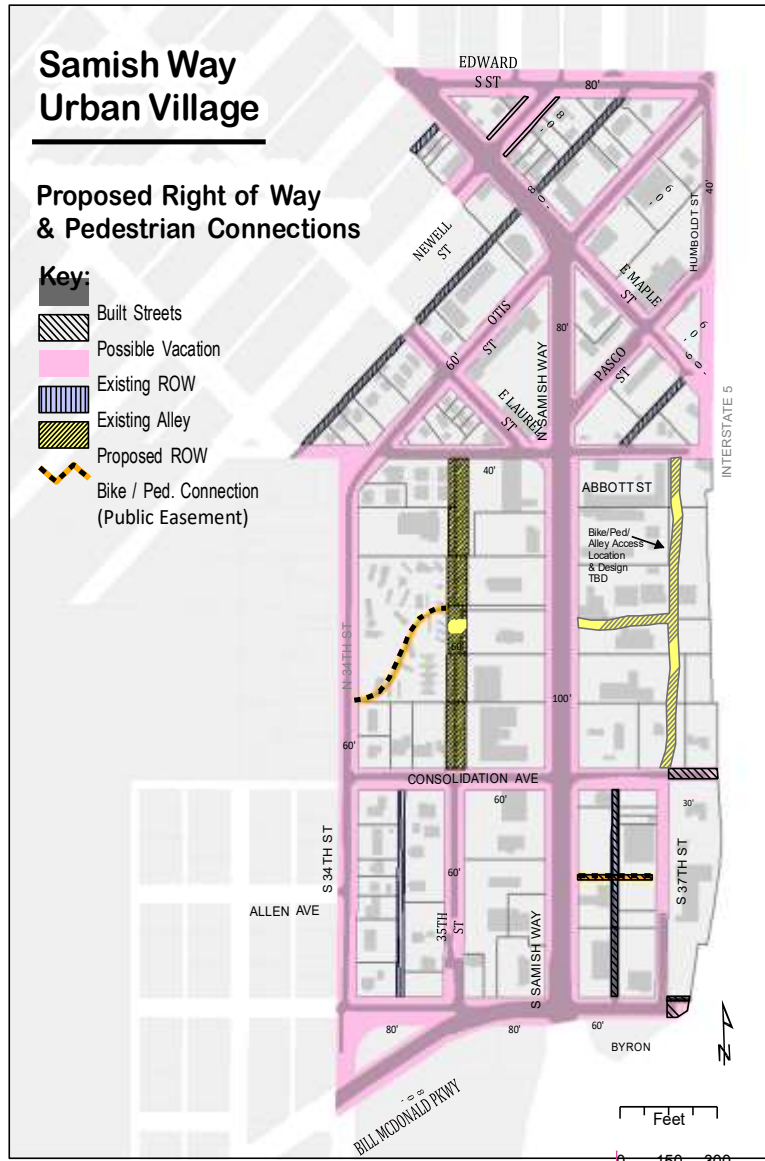
CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING

- ~~Explore adding metered parking stalls to the Core over time, as redevelopment occurs and parking demands increase. Create an associated and creating a Parking Benefit District to direct meter revenues into local area beautification and maintenance.~~
- ~~Work with property and business owners to adopt an access management ordinance consolidating driveway curbs cuts at a minimum spacing of 200 feet, or where most logical.~~
- ~~Encourage property owners to establish a Local Improvement District (LID) or Late-Comer Agreement to organize the proportional fair share cost of improvements and amenities in the area.~~
- Require new development to construct adjacent streets to the standards recommended in this Subarea Plan, ~~except with limitations for N. Samish Way and Abbott Street, which are identified as longer-term transitional areas which will require a coordinated effort by the City to transform when conditions are ripe and resources are available. and identified “special streets”.~~
- ~~Prohibit private vehicular access from 34th Street to the commercially zoned areas of the urban village.~~
- ~~Explore grants and other financing funding sources tools to help implement the proposed street designs for N. Samish Way, 34th Street and Abbott Street, as conditions warrant.~~
- ~~Acquire Require dedication of right-of-way with redevelopment where identified and needed to provide access and~~ create a more compact

CHAPTER FOUR

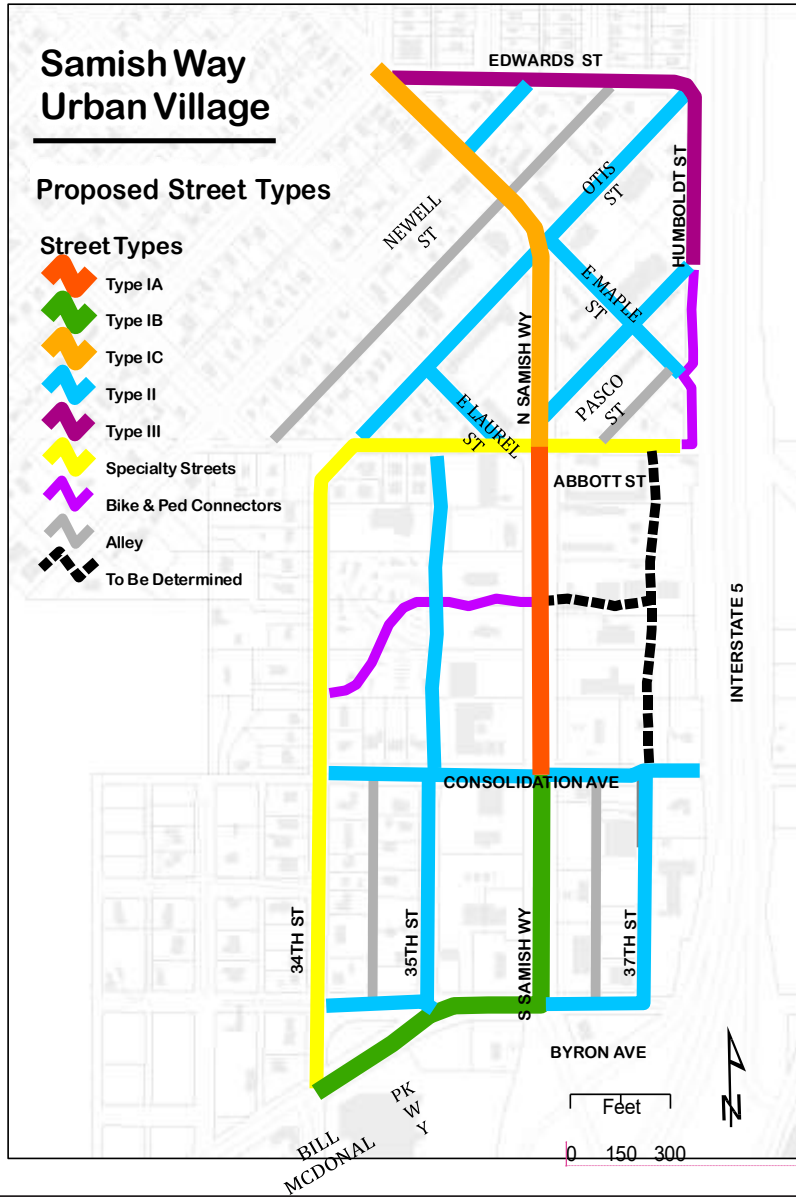
CIRCULATION, STREETScape AND PARKING



Commented [CD14]: Updated map shows current conditions and improves clarity of requirements.

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CIRCULATION, STREETSCAPE AND PARKING



Commented [CD15]: Updated map shows revised street type for Samish Way, revisions to improve clarity for 35th and 37th, and location of bike/ped connections.

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CIRCULATION, STREETSCAPE AND PARKING

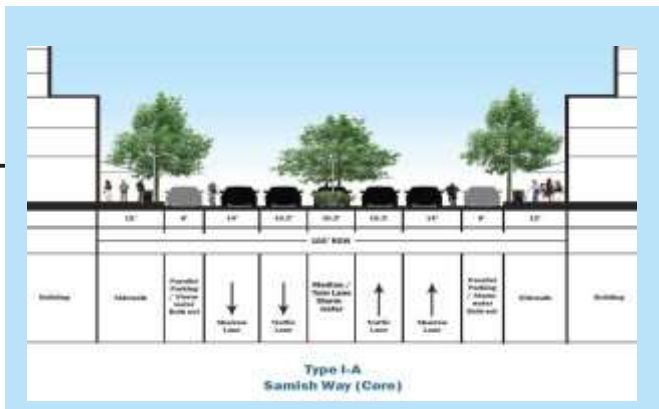
Samish Way Urban Village Street Design

Type I: Samish/Maple/Ellis Arterial. The cross-sections below represent a guide for setting street standards for Samish Way, the main arterial serving the area. Flexibility to these designs should be considered if they result in enhancements to bike and pedestrian systems. It is acknowledged that at the time of adoption of this Subarea plan, the City does not recognize “sharrows” as a transportation component of the City’s street infrastructure and additional review will be necessary prior to street improvements. The Type I designs are divided into A, B, and C, based on the variation in anticipated land use and the change in right-of-way width from 100 feet to 80 feet north of the Abbott Street intersection. North Samish Way is the former highway 99 corridor and a critical connection to Western Washington University (WWU), downtown Bellingham, the waterfront, I-5 and Lake Padden.

The 2009 urban village plan recognized this history and recommended slight changes to the five-lane roadway to better accommodate increased bicycle and pedestrian travel and commercial activity. However, these options were limited by conditions at their time and were recognized in the subsequent city-wide pedestrian and bicycle master plans as inadequate.

In 2016, in response to recommendations in the city-wide Bicycle and Pedestrian Master Plans and increasing interest in redevelopment, a comprehensive corridor study was initiated to examine alternatives for the N. Samish Way streetscape. The goal of this study was to identify methods for improving bicycle and pedestrian comfort and safety and change the street to a more urban character within the 56-feet of space between the existing curbs. The results of the study, published in 2017, support a “road diet”, which includes restriping the roadway between the existing curbs to one travel lane in each direction and adding buffered bike lanes on each side of the street. On-street parking on one side was also identified as a future possibility that could be accommodated when/if conditions warrant and funds are available for the substantial retrofit that would be required.

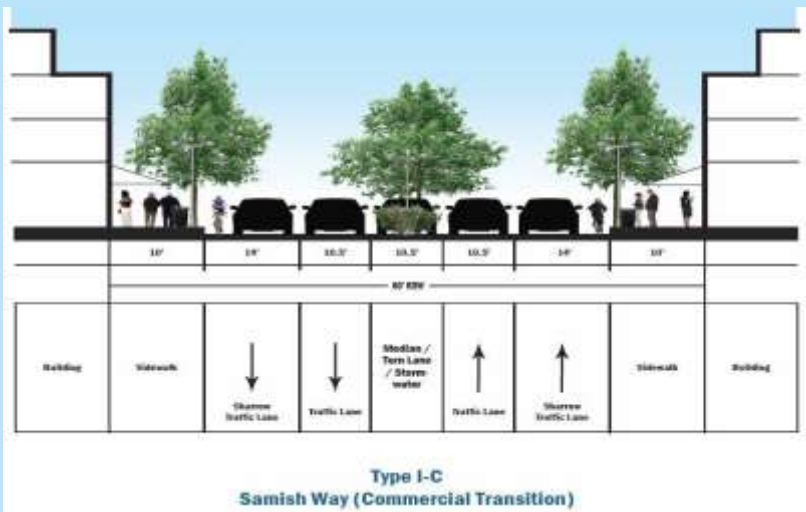
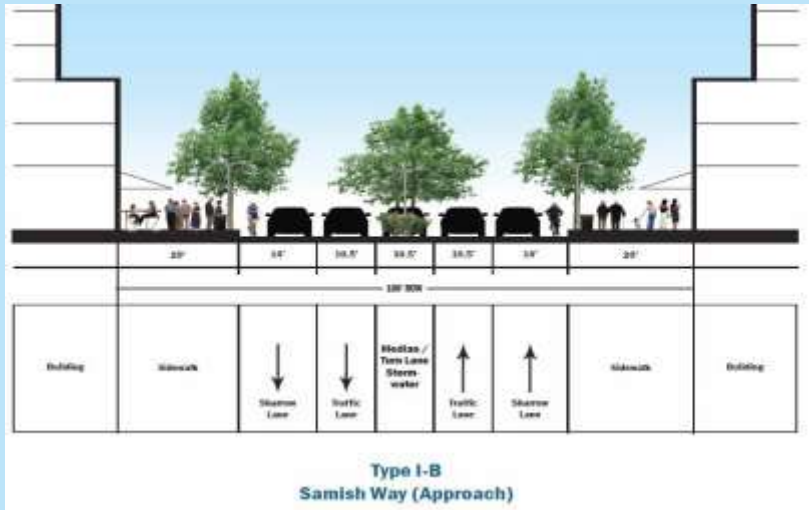
Recommended improvements to the intersection at Bill McDonald Parkway, another arterial which serves as the southern boundary of the project area, should be analyzed in further detail.



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CIRCULATION, STREETSCAPE AND PARKING

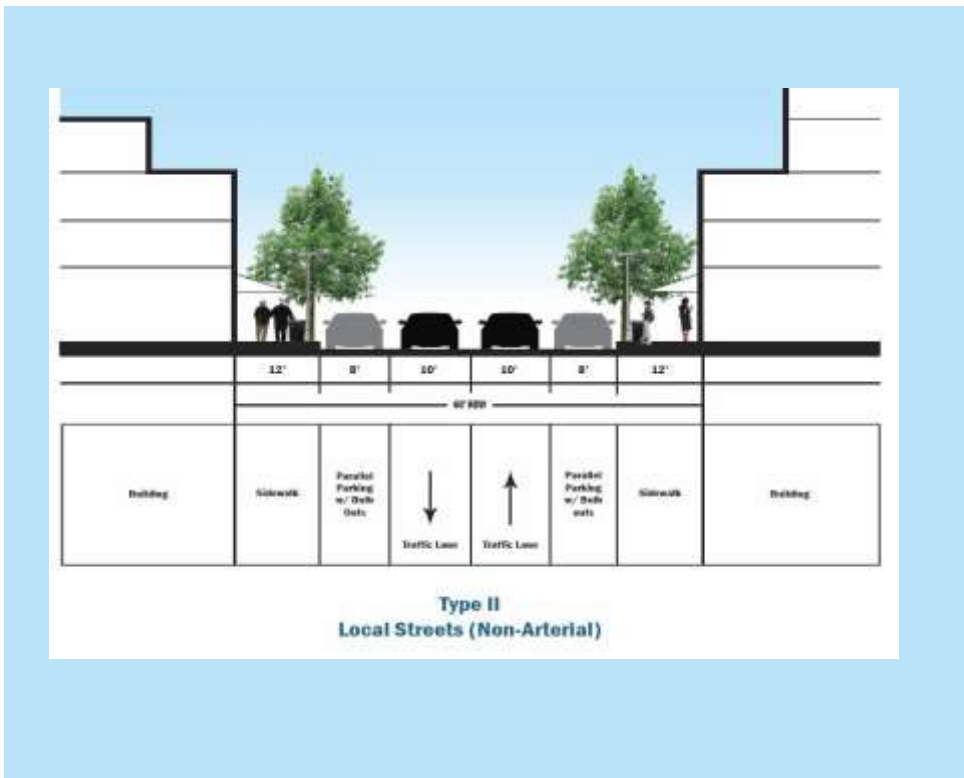
Commented [CD16]: Updated cross-section to reflect Samish Way corridor study recommendations.



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CIRCULATION, STREETScape AND PARKING

Type II: Local (non-arterial) Streets. These streets should maximize sidewalk width and on street parking. Drive lanes should be reduced to 10-feet to slow traffic. This cross section should be used as a guide to setting street standards in the area, [with flexibility to approve alternatives based on localized conditions.](#)



Type III: Residential boundary streets (not shown). These streets abut existing single-family zones and should be improved to the City's ¾ standard, with parking and sidewalks added to the project side.

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CIRCULATION, STREETSCAPE AND PARKING

Special Streets: 34th Street and Abbott are designated as “special streets” with a unique design character to ~~compliment~~complement their location and function. These are primary travel routes for bikes and pedestrians ~~and~~and/or intended to ~~be a draw to the~~serve as a neighborhood amenity.

Special Street: 34th Street

Bike Boulevard Concept

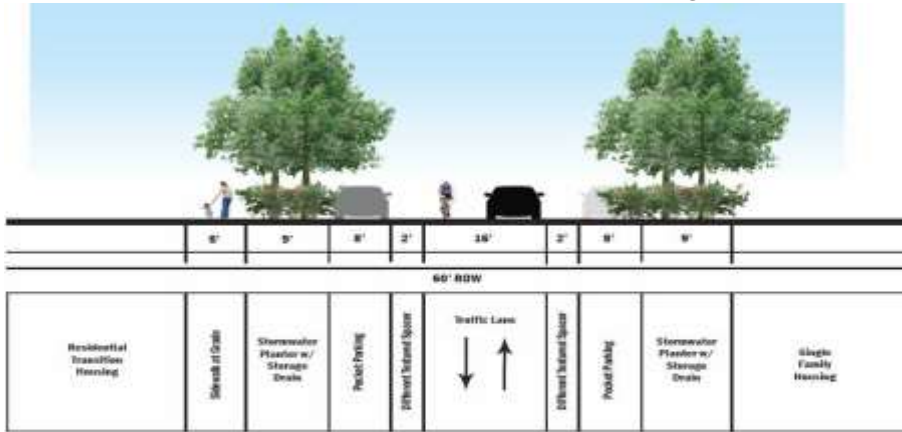
34th Street should be maintained by promoting a ~~“street edge alternative”~~ design with ample landscaping, ~~at~~at-grade sidewalks and narrow drive lanes. Addition of a sidewalk should be limited to the east side of 34th where new development and higher density is expected, ~~and~~and—~~it~~ should be set back from the street edge and allowed to meander to further accentuate the more leisurely character of 34th Street.

Pocket parking and ~~stormwater~~ landscaping dimensions may vary depending on the localized conditions such as topography, desire to preserve existing vegetation and whether ~~property owners~~ desire—on-street parking is required.
Example of the design character proposed for 34th St



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CIRCULATION, STREETScape AND PARKING



**Specialty Street
34th Street**
~~(Street Edge Alternative Concept)~~

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CIRCULATION, STREETSCAPE AND PARKING

Special Street: Abbott Street: Shared Street Concept

Abbott Street is an existing 40-foot wide right-of-way located in the core of the Subarea urban village. While not necessary for circulation, this street connects people from the commercial areas up into the residential neighborhood and Sehome Hill Arboretum. To create a sense of place and community, a portion of this street should be redeveloped into a woonerf residential shared street. There are five components found in most woonerfs The National Association of City Transportation Officials (NACTO) contains recommendations for shared streets which include:



Example of a woonerf

- 1) Textured pavements flush with the curb that reinforce the priority of the pedestrian.
- 2) Street furniture to define the shared space and subtly delineate the traveled way for all modes.
- 3) Signage and tactile warning strips to reinforce the use of the space.
- 4) Staggered blocks of landscaping, parking, or other elements to define use of spaces, decrease traffic or create traffic calming.

The specific elements appropriate for Abbott will need to be defined in further detail as the area develops and conditions and resources warrant the redesign of the street.

1) Create distinct gateways that announce, celebrate, and enhance the neighborhood's identity; this signifies to drivers that they are guests in the neighborhood.

Commented [CD17]: Replaced photo with regional shared street example.

CHAPTER FOUR

CIRCULATION, STREETSCAPE AND PARKING

2) Add curves to the travel lane to deliberately break up the driver's sight line.

3) Use features that serve a dual purpose of slowing traffic while providing amenities for residents to create a more pedestrian friendly environment.—Examples of such features would be benches, bollards, play equipment, and plantings.

4) To discourage drivers from speeding, a shared street should eliminate continuous curbs. This creates a situation where drivers and pedestrians are placed on the same level, and drivers are directed by bollards, street furniture, trees, and varied pavement treatment.

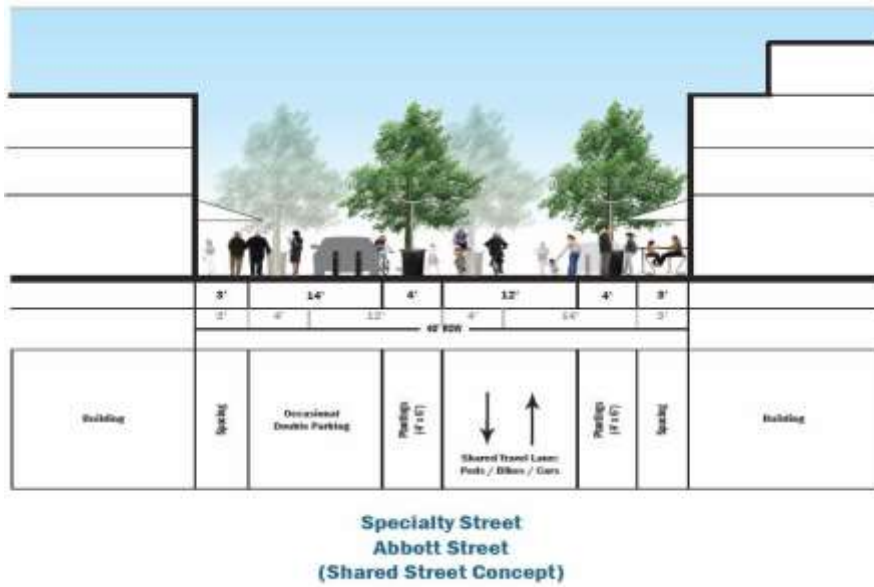
5) Finally, it is crucial to provide parking but with intermittent spacing so that the street does not begin to feel like a parking lot. The cumulative effect of these measures is a greater sense of comfort in hope that pedestrians will use the street space.—(Colin Hand, 2007)

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CIRCULATION, STREETScape AND PARKING



Artist rendering of Abbott Street



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CIRCULATION, STREETSCAPE
AND PARKING

CHAPTER FIVE

PARKS, PLAZAS, AND NEIGHBORHOOD CONNECTIONS

Samish Way Urban Village Parks & Openspace

5 . PARKS, PLAZAS AND NEIGHBORHOOD CONNECTIONS

Commented [CD18]: Enlarged map to full page.



Today, there is limited public open space within the Samish Way urban village boundary. However, there are several existing parks within close proximity. This plan contains goals to enhance the connections to these surrounding open spaces and create new gathering places within the urban village.

The Sehome Hill Arboretum is a 180-acre natural forest habitat managed jointly by The City of Bellingham and Western Washington University. Passive recreational amenities are provided via the numerous trails that crisscross the site. The eastern boundary of Sehome Hill creates a lovely forested backdrop to the Samish Way Subarea. However, steep topography limits the number of access points.

Other parks within walking distance include Franklin Park (located within the York Neigh-

borhood) and Laurel Park (located to the northwest in the Sehome Neighborhood). These are small neighborhood parks that provide space for families and students to intermingle and play.

Several small areas of undeveloped right of way dot the project area. These have been sporadically attended to by adjacent neighbors and other interested parties, but could be further enhanced to provide additional amenities to the public.

CHAPTER FIVE

PARKS, PLAZAS, AND NEIGHBORHOOD CONNECTIONS

Using/Providing Amenities Within the Existing Public Right-of-Way

Byron / Bill McDonald Parkway – A volunteer group intentionally planted this area as a chestnut grove. This grove should be maintained and enhanced as a pocket park, including removal of invasive species and addition of plantings. Several large evergreen trees border Bill McDonald Parkway, providing pleasant coverage but limited visual access into the site. Larger evergreens along Bill McDonald should be selectively thinned to increase sunlight and make the area safer for general public use.



Bicycle and pedestrian access from 34th Street via the trail to Bill McDonald Parkway should be upgraded to ADA standards and enhanced as conditions warrant and resources allow. The existing Whatcom Transportation Authority bus stop should be moved west, adjacent to this area, across the street from the eastbound bus stop. An enhanced pedestrian crossing should be provided via a new signalized inter-section pedestrian flashing crosswalk at the intersection of 34th 35th and Bill McDonald Parkway. Passive recreational opportunities such as trails and benches would also make the area a more usable amenity for pedestrians and transit riders.

34th Street & Abbott Street – This small triangular piece of right-of-way is at a crossroad between the existing neighborhood and the urban village. Native vegetation at this site should be retained, and the trail widened to allow increased/improve access. Wayfinding signs should be added to this location to direct people to the Commercial Core, Abbott Street, and down 34th Street to the Sehome Village shopping center.



Commented [CD19]: Updated photos to show current conditions.

The other small triangle of vegetation located to the west on Newell Street should be preserved as native habitat, with a wayfinding sign to the Newell Street trail connection.

Humboldt Street Right-of-Way – The south end of the Humboldt Street right-of-way terminates and becomes at property of-owned by the Washington State Department of Transportation. Fir and other tall trees would interfere with existing power lines, so unless these are moved underground and relocated, a tree buffer of short pines and tall shrubs should be established. A bike and pedestrian connection should be extended to 37th Street and wayfinding signs added

CHAPTER FIVE
PARKS, PLAZAS, AND
NEIGHBORHOOD CONNECTIONS

CHAPTER FIVE

PARKS, PLAZAS, AND NEIGHBORHOOD CONNECTIONS

5.1 PARKS, PLAZAS, AND NEIGHBORHOOD CONNECTION POLICIES



- Construct a new public plaza within the Core area of the village. This plaza should be a minimum of 16,000 square feet and abut on at least 1 public street.
- Public plaza(s) should be constructed to include amenities such as:
 - Water feature(s);
 - Landscaping (including a mixture of trees, shrubs and groundcover);
 - Public art;
 - Outdoor furniture and resting places;
 - Pedestrian-scale lighting;
 - Community garden;
 - Play equipment;
 - Unique paving pattern; and/or
 - Other elements that promote public use.
- Encourage the development of smaller, privately-owned and maintained plazas and open spaces.
- Enhance connections to the Sehome Hill Arboretum and surrounding parks by providing

wayfinding signs from the urban village to the new trail entrances proposed at Allen Avenue and Newell Street.

- Consolidate private and public open spaces where possible to achieve larger and more functional public spaces.
- Utilize existing undeveloped rights-of-ways to enhance connections to and from the urban village and provide passive recreational opportunities.



5.2 IMPLEMENTATION STRATEGIES

- Offer a density bonus for the dedication of land to construct a public plaza.
- Incorporate pedestrian/bicycle connections and plazas into the Parks Capital Facilities Plan so that Park Impact Fee funds may be applied to acquisition and/or construction of capital projects within the project area.
- Require a public access easement to connect 34th Street to the Commercial Core, as shown on the Proposed Right-of-Way and Pedestrian Connection map on page 24.

CHAPTER FIVE
PARKS, PLAZAS, AND
NEIGHBORHOOD CONNECTIONS

CHAPTER SIX

CAPITAL FACILITIES

6. CAPITAL FACILITIES

The Samish Way Subarea contains basic capital facilities, such as utility infrastructure, streets, and minimal trails. Enhancements are needed primarily in the form of public space, trail connections and street improvements to achieve a pedestrian-oriented environment. Much of the area lacks adequate sidewalks or street trees, crosswalks, or other pedestrian amenities such as street furniture and garbage cans. Although some trails exist, many of these are informal dirt pathways that have been carved out by frequent use.

Utilities are well established in the area and appear to have the capacity to handle increased development and density. Prior to increasing infrastructure capacity, developers should explore new technologies that could reduce additional impact on the existing system without requiring an expansion of these systems.

6.1 CAPITAL IMPROVEMENT PLAN

~~Since 2010, the City has invested over \$1,070,000 in transportation infrastructure projects, with another \$1,400,00 in investments planned for the coming years. This has been for improvements to sidewalks, four flashing crosswalks, center pedestrian refuges and curb extensions to improve pedestrian safety, as well as bicycle boulevards to improve access and safety for cyclists.~~

~~Where possible, the City should invest in improvements that will generate renewed interest in the area and promote redevelopment, primarily in the high-visibility location of Samish Way itself. These types of improvements are necessary for City-wide benefit, as they play into the larger transportation network.~~

~~Since 2009, the private sector has invested \$1,088,404 in the form of 19 different improvements to commercial buildings. This does not include the additional cost of improving. Private property owners are responsible for undertaking local streets, which is improvements on a site-specific project basis according to the intended streetscape established in this plan. but may wish to explore establishment of an LID, urban taxation district, latecomer fee system or other funding method to more equitably time street improvement costs.~~ The estimated costs of adjacent street improvements were incorporated into

the economic analysis of the proposed Floor Area Ratio, and although they appear to be feasible, still bear a substantial portion of the cost of development. Flexibility in the street improvements requirements is necessary to support the slow evolution of this neighborhood over time and respond to the specific conditions effecting each redevelopment parcel.

The Full implementation of the proposed street designs improvements for Samish Way, Abbott Street to add a bicycle facility and 34th Street requires coordinated analysis and construction. This project will should be completed-undertaken by the City and paid for with a-utilizing a combination of infrastructure improvement grants, or loans, Local Improvement District and any available City other identified funding sources, as redevelopment warrants this investments. Addition of on-street parking may be undertaken individually by a developer in the short-term as feasible, or may be undertaken by the City in the future if conditions warrant and resources allow.

Improvements to convert Abbott Street to a future shared street concept will also require significant coordination and expense, and should also be undertaken as a City-led project in the future, as conditions warrant and resources allow.

Park and Transportation Impact Fees generated from redevelopment in this area may be a potential source of revenue for capital facility projects. However, these projects must be incorporated into the Capital Facility Plans of the Parks and Recreation and/or Public Works Departments in order to utilize this funding source.



Future Capital Improvements Costs and Revenues

The Samish Way urban village is a long-term project which will develop over several decades. The following projects have been identified as future improvements to support the vision outlined in this document. Projects will be scheduled and budgeted over time a redevelopment occurs and as conditions warrant the prioritization of these investments. The costs and sources of revenues below are estimates only, and reflect the approximate costs and fees in 2009 dollars.

Local Streets*

Estimated Cost	\$12,024,000
Source of Revenue	Improvements to adjacent local streets improvements would be required as a condition of private development.

Reconfiguration of Samish/Maple/Ellis

Arterial Upgrade (Samish Way and E. Maple)

Estimated Cost	\$3,818,100 \$2-2.5 M Cost estimate is for Rechannelization to add a Separated bike facility. Future on-street parking may be added by the develop in the short- Term, at their own cost, as feasible, or in the future as a coordinated City project as conditions warrant and resources permit.
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Sources of Revenue

City Funds (LIFT, REET, Street, etc)	\$564,764
State and Federal Grants (Transit -oriented development, Low Impact Development, Urban Renewal, etc)	\$2,000,000
Traffic Impact Fees**	\$1,253,336

Public Space Improvements

Abbott Street (Shared Street / Woenerf Concept)

Estimated Cost	\$1,065,000 \$1.2 to \$2M
Sources of Revenue	
City Funds (LIFT, REET, Street, etc)	\$565,000
State and Federal Grants (Bike / Ped Improvements, etc)	\$500,000

34th Street (Natural Drainage System model):

Estimated Cost:	\$1,775,000
-----------------	-------------

Sources of Revenue:

SAMISH WAY URBAN VILLAGE SUBAREA PLAN

State and Federal Grants (Stormwater/LID, Bike/Ped)	\$500,000
LID Commitment from abutting property owners	\$500,000
City Funds (LIFT, REET, Street, etc)	\$775,000

Plaza Construction and Trail Improvements

Total Cost	\$860,000
Plaza Construction	\$800,000
Trail Improvements	\$60,000

Source of Revenue

City Funds (PIF, REET, Grants, Etc)	\$860,000 (Estimated \$1 million generated from Park Impact Fees.)
-------------------------------------	--

*Does not include Samish Way, Abbott Street or 34th Street

**Traffic Impact Fees (TIF) and Park Impact Fees (PIF) estimates were based on potential build out of the Samish Way urban village through 2022 using 2009 impact fees charges.

CHAPTER SEVEN CONCLUSION

7. CONCLUSION

This Subarea Plan contains the long-term vision for the area. There are several actions within this plan that may help expedite the redevelopment of the area and implement the goals of the plan. Community involvement and interest in the project lead to the initiation of the City's master planning effort. This energy should continue through the promotion of the projects in this planning document.

7.1 IMPLEMENTATION POLICIES

~~The abutting neighborhood associations should prioritize which projects should be included in the Transportation Improvement Plan (TIP), identified for grant opportunities, and promoted for volunteer activities.~~

- Public/Private partnerships should be explored with WTA, WWU, WSDOT, Bellingham Housing Authority, and the Bellingham School District, along with private developers, to further the goals of the Subarea Plan.
- A Samish Business Association should be established over time to represent the goals of the business community by creating and create an organized forum for discussion and pooling of resources.
- ~~A Local Improvement District should be established as a method for achieving the desired infrastructure improvements in the Subarea Plan.~~
- Design and development of public amenities such as wayfinding signs, public plazas,

artwork selection and sidewalk amenities street design details should include a public process.

- Public plazas and other park amenities should be adopted into the Parks Capital Facilities Plan to make these improvements eligible for Park Impact Fee funds.



- ~~Street improvements and other capital facility goals within this document should be prioritized and adopted into the Public Works Capital Facilities Plan to make these improvements eligible for Transportation Impact Fee funds, as conditions warrant.~~
- A Parking Benefit District should be explored to funnel invest meter revenue into local improvements for the Subarea.
- ~~Issuance of a Planned Action Ordinance should be explored as resources become available to streamline the SEPA environmental review process for site-specific developments.~~
- Study the feasibility of moving utilities underground on new and existing streets to enhance the aesthetic of the area and protect future cutting of large, native trees.

Commented [CD20]: Updated photo.

Article II. Samish Way Urban Village

20.37.100 Samish Way urban village – Applicability.

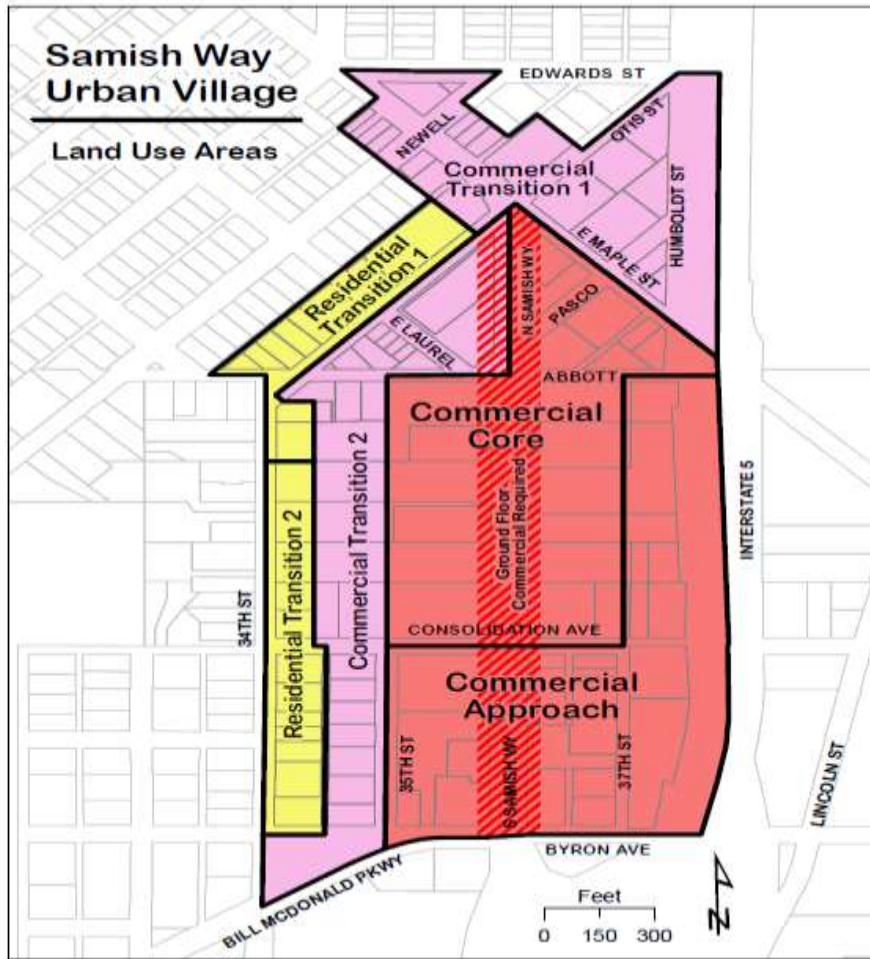
A. – C. [\[No change\]](#)

20.37.110 Samish Way urban village – Establishment of boundaries and land use areas.

A. The boundaries of the Samish Way urban village and associated land use areas are hereby delineated as shown in Figure 20.37.110.

B. 1.-4. [\[No change\]](#)

Figure 20.37.110 –



Commented [CD1]: Updated map shows Aloha Motel parcel (315 N Samish) in the Commercial Core; adjusted ground floor commercial requirement between the intersections of Otis and Abbott.

1 **20.37.120 Samish Way urban village – Permitted uses.**

2 A. In Table 20.37.120, land use classifications are listed on the horizontal axis. Samish Way urban
3 village land use areas are shown on the vertical axis.

4 1. If the symbol "P" appears in the box at the intersection of the column and row, the use is
5 permitted subject to general requirements for the use and the use area.

6 2. If the symbol "C" appears in the box at the intersection of the column and the row, the use is
7 permitted subject to the conditional use provisions specified in Chapter 20.16 BMC and to
8 general requirements for the use and the use area.

9 3. If a number appears in the box at the intersection of the column and the row, the use is
10 permitted in the use area subject to the special limitation indicated in the corresponding note at
11 the end of the table.

12 4. If the symbol "N" appears in the box at the intersection of the column and the row, the use is
13 not allowed in that area, except for certain short-term uses (see BMC 20.10.040, Temporary
14 uses).

15 5. Use Determination: In the case of a question as to the inclusion or exclusion of a particular
16 proposed use in a particular use category, the director shall have the authority to make the final
17 determination. The director shall make the determination according to the characteristics of the
18 operation of the proposed use as they relate to similar allowed uses within the use area.

19

1

Table 20.37.120 – Permitted Uses

P = Permitted # = <u>See note</u> Permitted with limitations C = Conditional Use N = Not allowed					
Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 and 2	Residential Transition 1	Residential Transition 2
1.-22 <u>[No change]</u>	<u>[No change]</u>	<u>[No change]</u>	<u>[No change]</u>	<u>[No change]</u>	<u>[No change]</u>
23. Detached single-family dwelling unit with less than 5,500 square feet of total floor area	P _N	P	P	P(6)	P(6)
24. Detached single-family dwelling unit containing 5,500 square feet or more total floor area	N	N	N	N	N
25. Attached accessory dwelling unit (consistent with procedures and requirements outlined in BMC 20.10.036)	P _N	P	P	P	P
26. Detached accessory dwelling unit (consistent with procedures and requirements	P _N	P	P	P	P

P = Permitted # = See note Permitted with limitations C = Conditional Use N = Not allowed					
Land Use Classification	Area				
	Commercial Core	Commercial Approach	Commercial Transition 1 and 2	Residential Transition 1	Residential Transition 2
outlined in BMC 20.10.036					
27. Chapter 20.28 BMC, Infill Housing					
a. Smaller House	P(5) N	P(5)	P(5)	P(5)	P(5) N
b. Small House	P(5) N	P(5)	P(5)	P(5)	P(5)
c. Cottage	P(5) N	P(5)	P(5)	P(5)	P(5)
d. Duplex/Triplex	P(5)	P(5)	P(5)	P(5)	P(5) N
e. Shared Court	P(5) N	P(5)	P(5)	P(5)	P(5)
f. Garden Court	P(5) N	P(5)	P(5)	P(5)	P(5)
g. Townhouse	P(5)	P(5)	P(5)	P(5)	P(5) N
28.-43 [No change]	[No change]	[No change]	[No change]	[No change]	[No change]

1 **Notes:**

2 1 - 7 [No change]

3 **20.37.130 Samish Way urban village – Development.**

4 A. *Applicability.* The regulations of this section shall apply to the development of any principal
5 and/or accessory use within any area in the Samish Way urban village except as follows:

6 Development in residential transition areas shall comply with Chapter 20.28 BMC, Infill Housing,
7 Chapter 20.30 BMC, Residential Single Development, or Chapter 20.32 BMC, Residential Multi
8 Development, Table 20.37.130(A) and BMC 20.37.130(C) and (D) for corresponding development
9 unless specified otherwise herein.

1 **Table 20.37.130(A) – Standard Development Regulations**

Development Standards	Area						
	Commercial Core	Commercial Approach	Commercial Transition 1	Commercial Transition 2	Residential Transition Areas		
					Chapter 20.28BMC, Infill Housing	Chapter 20.30BMC, Residential Single Development	Chapter 20.32BMC, Residential Multi Development
Minimum Lot Size	None	None	None	None	(1)	5,000 SF	5,000 SF
Maximum Density	None	None	None	None	12,000 SF per unit	5,000 SF per unit	2,000 SF per unit
Setbacks from Property Lines	None (4)	None (4)	None (4)	None (4)	(1)	(2)	(3)
Maximum Height	75 feet (5)	75 feet (5)	45 feet (5)	55 feet (5)	(1)	(2)	(3)
Maximum Floor Area Ratio (FAR)	2.5, up to 34.5 (7)(6)	2.5, up to 34.5 (7)(6)	2.5, up to 3.5 (7)(6)	2.5, up to 3.5 (7)(6)	(1)	N/A	N/A

2 Notes:

3 1 -4 [No change]

4 5 Height is measured per BMC 20.08.020, height definition No. 1. A building may be divided into modules and stepped with height measured on a per module basis in response to topography on sloping property. Height may be increased by three feet in order to accommodate a taller ground floor commercial street frontage or increased roofline modulation. ~~6-Building height on properties fronting N. Samish Way may be increased to 65-~~
 8 ~~feet, with director approval, provided the development includes a community benefit such as affordable-~~
 9 ~~housing or public space consistent with the criteria in BMC 20.37.130 B and/or other community benefit-~~
 10 ~~demonstrated by the applicant.~~

11
 12 6 7-See subsection (B)(2) of this section for FAR standards and bonus criteria.

1 B. *Floor Area Ratio (FAR).*

2 1. *Purpose.* The maximum floor area ratio (FAR) standards are intended to accomplish several
 3 purposes of the Samish Way subarea plan. Combined with the established height limits herein,
 4 the FAR allows for greater flexibility in how to mass buildings on sites and relate projects to
 5 unique on- and off-site features.

6 2. *Floor Area Ratio (FAR) Standard.* ~~The maximum FAR is 2.5, or up to 3.5 with use of floor area~~
 7 ~~transfers and bonuses as outlined below. Base and maximum FARs for each commercial area are~~
 8 ~~shown on Table 20.37.130-A. Floor area transfer and bonuses summarized in Table 20.37.130-B~~
 9 ~~provide the opportunity to increase the base FAR on individual building sites to the maximum~~
 10 ~~FAR on Table 20.37.130-A. Properties that dedicate property for right-of-way purposes as~~
 11 ~~outlined in BMC 20.37.140(D) may use the pre-dedication square footage of the property for~~
 12 ~~purposes of calculating FAR, i.e., every square foot dedicated yields two and one-half square feet~~
 13 ~~of development area.~~

14 3. *Transfer of Floor Area.* Transfer of FAR among properties that are part of a single
 15 development plan is allowed when approved by the planning director, provided:

- 16 a. The designs for the sending and receiving properties are reviewed at the same time.
- 17 b. The property owner(s) executes a covenant with the city that is attached to and recorded
- 18 with the deed of both the site transferring and the site receiving the floor area reflecting the
- 19 respective increase and decrease of potential floor area.

20 4. *Floor Area Bonus Options.* Floor area bonus options are offered as incentives to encourage
 21 facilities and amenities that implement the Samish Way subarea plan.

- 22 a. Projects may use more than one bonus option unless specifically stated otherwise; bonus
- 23 floor area amounts are additive.

24 ~~b. The maximum floor area ratio increase that may be earned through the bonus options is~~
 25 ~~1.0 for a maximum FAR on site of 3.5.~~

26 **Table 20.37.130(B) – Summary of Floor Area Ratio Bonus Options**

Bonus Option	Floor Area Bonus (±)
Public Plazas and Open Spaces	Dedicate 1 SF; receive 2.5 SF
Affordable Housing	Provide 1 SF; receive 4 SF
Minimum LEED Gold Silver Certification (or Equivalent)	1.0 FAR bonus

Lake Whatcom Watershed Property Acquisition Program	Receive one SF for each fee unit paid (see fee schedule)
<u>Property dedicated for public right-of-way</u>	<u>Dedicate 1 SF; receive 2.5 SF</u>

c.b. Bonus Options.

i. *Public Plazas and Open Spaces.* Floor area may be transferred to and from any property within the Samish Way urban village when approved by the planning director, provided:

(A) The transferred floor area will result in dedication of a public plaza or open space with a minimum square footage of 16,000 square feet.

(B) For each square foot ~~dedicated of base FAR allowed by the development code transferred from an eligible site,~~ two and one-half square feet of bonus floor area is earned ~~on the receiving site(s)~~ up to a maximum of 1.0 FAR per receiving site; and

(C) The property owner(s) executes a covenant with the city that is attached to and recorded with the deed of both the site transferring and the site receiving the floor area reflecting the respective increase and decrease of potential floor area.

ii. *Affordable Housing.* Development which includes housing for low and middle income residents may receive bonus floor area when approved by the planning director. For each square foot of affordable housing, four square feet of bonus floor area is earned, up to a maximum of ~~0.5-1.0~~ FAR. The project must have controls in place to ensure that the units remain permanently affordable in accordance with subsections (B)(4)(~~e~~)(b)(ii)(A) and (B) of this section:

(A) Annual Income. All purchasers or tenants shall be from a household whose annual income, at the household’s initial occupancy of the single-family residence, is 80 percent or less of the median income (determined by Housing and Urban Development) as adjusted by family size of the Bellingham Standard Metropolitan Statistical Area (SMSA), specifically defined as Whatcom County; and

(B) Housing Expenses. The monthly expenditure by a purchaser, as described in subsection (B)(4)(~~e~~)(b)(ii)(A) of this section, for housing including rent or mortgage repayment, insurance, taxes and utilities (water and sewer) shall not exceed 38 percent of the gross household income at the time of purchase and the amount for rent or mortgage repayment shall not exceed 30 percent of gross household income. All other variable living expenses associated with the resident’s occupancy shall not be a factor in the calculation of affordability.

1 iii. *Leadership in Energy and Environmental Design™ (LEED) Certification (or Equivalent)*.
 2 Buildings that incorporate sustainable design receive a maximum 1.0 FAR bonus. To
 3 qualify for this bonus, the proposed project shall be certified by the planning director as
 4 a minimum LEED ~~Gold Silver~~ certification (or equivalent).

5 iv. *Lake Whatcom Watershed Property Acquisition Program (LWWPAP)*. Contributors to
 6 the LWWPAP receive floor area bonuses when approved by the planning director,
 7 provided:

8 (A) Bonus floor area earned is paid for on a per square foot basis according to a fee
 9 schedule established by city council resolution;

10 (B) Floor area paid for and floor area earned is at a 1:1 ratio, such that for each
 11 square foot paid for, one square foot of floor area is earned on the receiving site up
 12 to a maximum 0.5 FAR bonus;

13 (C) The applicant must submit with the application for land use review a letter from
 14 the Bellingham finance department documenting the amount which will be
 15 contributed to the LWWPAP.

16 v. *Property dedicated for public right-of-way. Properties that dedicate property for right-*
 17 *of-way purposes may use the pre-dedication square footage of the property for*
 18 *purposes of calculating base and bonus FAR. Properties that dedicate property for right-*
 19 *of-way purposes within the block bound by 34th and Abbott Streets. Consolidation*
 20 *Avenue and N. Samish as shown in Figure 20.37.140 may receive a floor area bonus when*
 21 *approved by the planning director, as follows:*

22 *(A) Land area dedicated and floor area earned is at a 1:2.5 ratio. For every square*
 23 *foot dedicated, two and one-half square feet of floor area is earned on the*
 24 *development site.*

25 *(B) The applicant must submit with the application for land use review a letter from a*
 26 *civil engineer documenting the land area to be dedicated for right-of-way.*

27 C. *Design Standards*. Design review applies as outlined in Chapter 20.25 BMC. The following design
 28 standards are intended to carry out the goals and policies of the Samish Way subarea plan and shall
 29 be used in addition to the urban village design ~~district standards, and~~ decision criteria, and departure
 30 provisions outlined in BMC 20.25.020(D)(3)(b). Should the provisions of this section conflict with any
 31 other provision in BMC 20.25.020(D)(3)(b), the provisions of this section shall apply.

32 1. *Commercial Street Frontage*.

33 a. *Intent*. Along Samish Way, between Bill McDonald Parkway and E. Maple Street and
 34 including the Abbott Street and Otis Street intersections, street front uses should be

1 compatible with intensive commercial activity and provide opportunities for visual or
2 interactive links between businesses and pedestrians.

3 b. *Standards.* Along Samish Way, between ~~and including the Bill McDonald Parkway and E-~~
4 ~~Maple Street, Abbott Street and Otis Street~~ intersections, ground floor commercial space
5 (including retail, services, ~~office, government,~~ or similar non- residential uses) shall be
6 provided along the ~~full~~ building street front as shown in Figure 20.37.110 for a depth
7 of at least 20' measured from the front face of the building. ~~Lobbies for Hotel and~~
8 residential ~~lobbies, uses and hotels~~ and parking garage entries are exempt from this
9 provision. ~~shall qualify as ground floor commercial, however hotel/motel guest rooms,~~
10 dwelling units and structured parking shall not ~~qualify occupy street level building frontage~~
11 where ground floor commercial space is required.

12 2. *Yards.*

13 a. *Intent.* Provide appropriate transitions between Commercial and Residential areas.

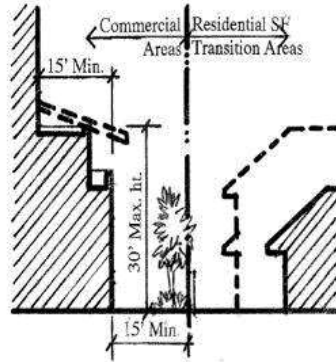
14 b. *Standard.* A building shall be set back a minimum of 15 feet from a property line abutting
15 or across ~~an alley right of way~~ from a Residential Single Zone or a Residential Transition
16 Area. (See Figure 20.37.130)

17 3. *Height.*

18 a. *Intent.* The scale of those portions of a building facing an existing developed
19 neighborhood should conform to the scale established in the neighborhood or the scale
20 identified for the district.

21 b. *Standard.* The maximum height within 30 feet of a property line abutting ~~or adjacent to a~~
22 residential single zone or a residential transition area shall be two stories and 30 feet.
23 (See Figure 20.37.130.)

24 **20.37.130 Massing and Articulation**



1
 2 4. *Detached Single-Family Residential Development in Residential Transition Area 2.* The
 3 following design standards and guidelines apply to single-family development using Chapter
 4 20.30 BMC in Residential Transition Area 2.

5 a. – b. [No change]

6 D. 34th Street Access Restriction. Vehicular access from the commercial transition zone to 34th
 7 Street and Edwards Street is prohibited, except for emergency vehicles. [Ord. 2015-01-001 § 1; Ord. 2009-
 8 11-069].

9 **20.37.140 Samish Way urban village – Street improvements.**

10 A. *Applicability.* The regulations of this section shall apply to all new construction, and to renovation
 11 of existing site and building improvements when the cost of renovation of existing site and building
 12 improvements exceeds 50 percent of the assessed valuation of the site and improvements.the
 13 development of any principal and/or accessory use within any area in the Samish Way urban village.

14 B. *Requirements.* ~~New construction or renovations of 50 percent or more of an existing structure(s)~~
 15 ~~shall improve abutting streets to three-fourths standard, with the following exceptions:~~

16 1. ~~Abutting streets shall be improved to three-quarters standards, as shown in the Samish Way~~
 17 ~~subarea plan, except as follows:~~

18 a. ~~Samish Way.~~ Projects abutting Samish Way shall improve only the abutting sidewalk from
 19 the existing curb line to the property line ~~to accommodate the proposed street designs~~
 20 ~~in the Samish Way subarea plan.~~ Abutting curb and gutter shall additionally be
 21 replaced when necessary to close curb cuts and/or to replace damage sections.

22 2. ~~Projects abutting 34th Street shall install the abutting sidewalk. Projects consisting of~~
 23 ~~more than three units shall also install pocket parking.~~

~~3.b.~~ Abbott Street. Projects abutting Abbott Street shall ~~install~~improve a five-foot minimum standard sidewalk and repave the abutting portion of the street.

~~4.c.~~ 35th Street extension and link to Samish Way. Requirements for ~~P~~projects abutting the proposed extension of 35th Street between Abbott Street and Consolidation Avenue and the link to Samish Way ~~as shown~~proposed in Figure 20.37.140 are required to dedicate sufficient right-of-way and construct street improvements as necessary to serve the multimodal transportation needs of the proposed development and create an orderly extension of public infrastructure.

~~d.~~ 37th Street extension. Projects abutting the proposed extension of 37th Street between Abbott Street and Consolidation Avenue as shown in Figure 20.37.140 are required to dedicate sufficient right-of-way and construct a 20-foot paved area meeting fire access and public works standards.

2. Pedestrian/Bike Corridor. A nonmotorized bike and pedestrian corridor with public access easement linking 34th Street to Samish Way shall be provided as generally shown in Figure 20.37.140. The corridor shall be designed and built to cCity standards.

3. The calculation of available FAR for land dedicated as right-of-way is outlined in BMC 20.37.130(B)(4)(b)(v).

The determination of the percentage of renovation shall be based upon whether the valuation of proposed site improvements exceeds 50 percent of the assessed value of the existing site improvements.

~~C. Street standards shall be consistent with the Samish Way subarea plan streetscape designs. Minor M~~modifications to the standards in subsection (B)(1) and (2) above may be approved by the planning and public works directors. ~~Such modifications may be granted when:~~

~~a.~~ Ppractical difficulties arise in the design and construction of streets due to topographic or geological limitations or other problems inherent or peculiar to the area, or

~~b.~~ where ~~T~~the directors find that imposition of the required street design would be detrimental to the interest of the neighborhood, or

~~c.~~ The directors find that the modification will provide an equal or better solution that is consistent with the goals and policies in the Samish Way urban village plan.

~~D. Street and Bike/Pedestrian Corridor Dedication and Improvement Requirements.~~

~~1. Thirty-fifth Street between Abbott Street and Consolidation Avenue.~~ Thirty-foot public right-of-way dedication and LID commitment (or other approved method of street construction to the Type II street standard) is required prior to building permit issuance for properties abutting the

1 proposed 35th Street, as shown in Figure 20.37.140, on which new development, or
2 redevelopment, is proposed.

3 Exception: Redevelopment of a single parcel consisting of less than 10,000 square feet of floor area
4 with a height limit less than 35 feet under BMC 20.08.020, height definition No. 1 is exempt from this
5 requirement. New structures may not encroach on the proposed right-of-way alignment.

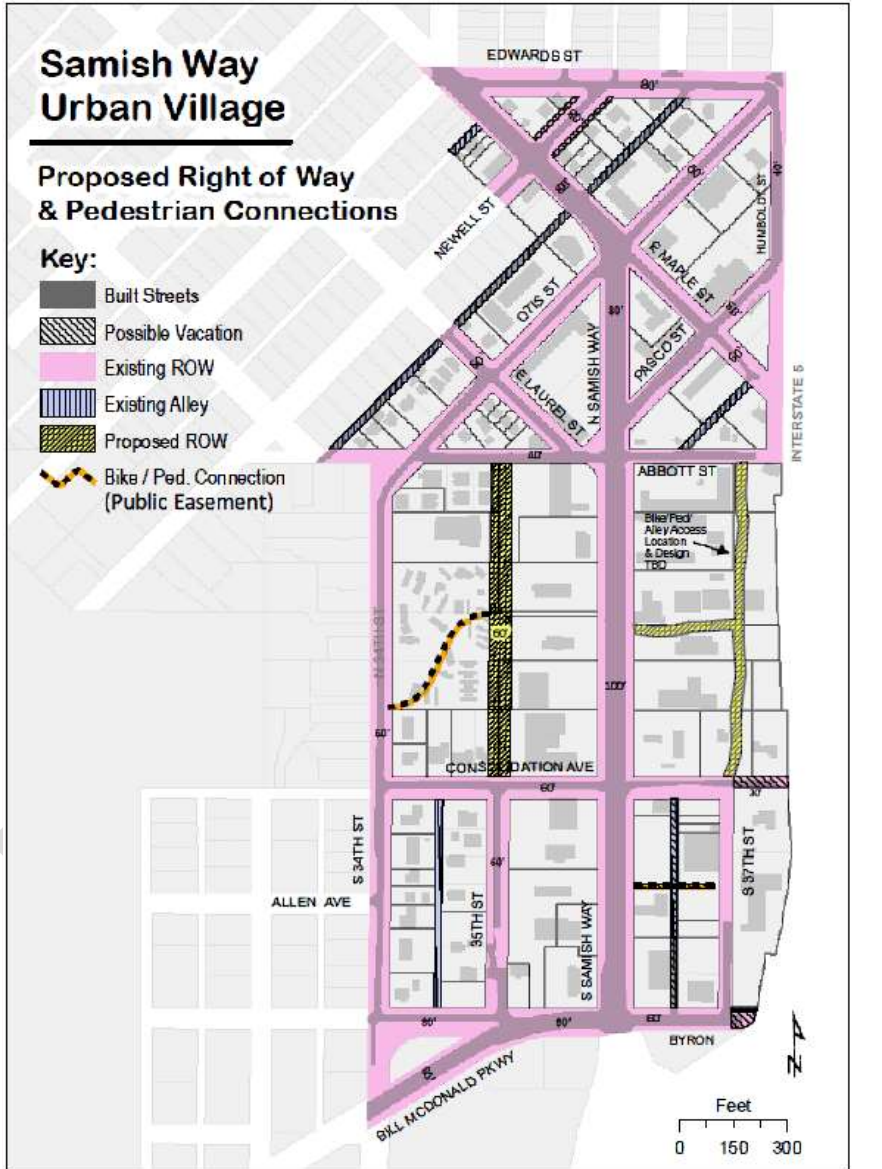
6 ~~2. Pedestrian/Bike Corridor. A nonmotorized bike and pedestrian corridor with public access
7 easement linking 34th to 35th Street shall be provided as generally shown in Figure 20.37.140.
8 The corridor shall be designed and built to parks and recreation department standards.~~

9

10

Figure 20.37.140

DRAFT



Commented [CD2]: Updated map represents current conditions and improves clarity.

1

1 **20.37.150 Samish Way urban village – Parking.**

2 A. E [No change]

3 F. *Bike Parking.* All new development shall provide bicycle parking spaces equivalent to 15 percent
4 of the total required automobile parking, calculated prior to any automobile parking reductions. ~~{Ord.
5 2017-03-009 § 34; Ord. 2009-11-069}~~.

6 1. Number of Spaces Required. Bicycle parking is required for certain use categories to encourage
7 the use of bicycles by providing safe and convenient places to park bicycles. These regulations
8 ensure adequate short- and long-term bicycle parking based on the demand generated by the
9 different use categories and on the level of security necessary to encourage the use of bicycles
10 for short and long stays

11 a. The required minimum number of bicycle parking spaces for each use category is shown on
12 Table 20.37.150. No bicycle parking is required for uses not listed.

13 b. The required minimum number of bicycle parking spaces is based on the primary uses on a
14 site. When there are two or more separate primary uses that operate at the same time on a
15 site, the required bicycle parking for the site is the sum of the required parking for the
16 individual primary uses.

17 2. Exemptions.

18 a. No long-term bicycle parking is required on a site where there are less than 2,500 square
19 feet of gross building area.

20 b. No bicycle parking is required for unattended surface parking lots.

21 3. Bicycle Parking Standards.

22 a. Short-Term Bicycle Parking.

23 i. Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and
24 other visitors to use bicycles by providing a convenient and readily accessible place to
25 park bicycles. Short-term bicycle parking should serve the main entrance of a building
26 and should be visible to pedestrians and bicyclists.

27 ii. Standards. Required short-term bicycle parking shall be located:

28 (A) Outside a building;

29 (B) On the site;

30 (C) At the same grade as the sidewalk or at a location that can be reached by an
31 accessible route; and

1 (D) Within 50 feet of the main entrance to the building as measured along the most
 2 direct pedestrian access route. For sites that have more than one primary building,
 3 the bicycle parking shall be within 50 feet of a main entrance as measured along the
 4 most direct pedestrian access route, and shall be distributed to serve all primary
 5 buildings.

6 (E) Short-term bike parking may be located within the public right-of-way provided the
 7 location and design are subject to public works department approval.

8 b. Long-Term Bicycle Parking.

9 i. Purpose. Long-term bicycle parking provides employees, residents, commuters and
 10 others who generally stay at a site for several hours a secure and weather-protected
 11 place to park bicycles. Although long-term parking does not have to be provided on
 12 site, the intent of these standards is to allow bicycle parking to be within a reasonable
 13 distance in order to encourage bicycle use.

14 ii. Standards. Required long-term bicycle parking shall be:

15 (A) Provided in racks or lockers that meet the standards of subsection (G)(3)(c) of
 16 this section;

17 (B) Located on the site or in an area where the closest point is within 300 feet of
 18 the site;

19 (C) Covered. At least 50 percent of required long-term bicycle parking shall be
 20 covered and meet the standards of subsection (G)(3)(c)(v) of this section
 21 (Covered Bicycle Parking); and

22 (D) Secured. To provide security, long-term bicycle parking shall be in at least one
 23 of the following locations:

24 1. In a locked room;

25 2. In an area that is enclosed by a fence with a locked gate. The fence
 26 shall either be eight feet high or be floor-to-ceiling;

27 3. Within view of an attendant or security guard;

28 4. In an area that is monitored by a security camera; or

29 5. In an area that is visible from employee work areas.

30 **Table 20.37.150 – Minimum Required Bicycle Parking**

<u>Specific Use</u>	<u>Long-Term Spaces</u>	<u>Short-Term Spaces</u>
---------------------	-------------------------	--------------------------

<u>1. Multifamily Housing</u>	<u>2, or 0.5 per bedroom and studio unit.</u>	<u>2, or 1 per 20 dwelling units.</u>
<u>2. Commercial: Retail sales and service, including eating and drinking establishments.</u>	<u>2, or 1 per 12,000 sq. ft. of gross floor area.</u>	<u>2, or 1 per 5,000 sq. ft. of gross floor area.</u>
<u>3. Commercial: Office</u>	<u>2, or 1 per 10,000 sq. ft. of gross floor area.</u>	<u>2, or 1 per 20,000 sq. ft. of gross floor area.</u>
<u>4. Commercial: Off-street parking lots and garages available to the general public.</u>	<u>2, or 1 per 20 automobile spaces.</u>	<u>6, or 1 for each 20 automobile spaces.</u>
<u>Note: Wherever this table indicates two numerical standards, the larger number applies.</u>		

c. Standards for All Bicycle Parking.

- i. Purpose. These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
- ii. Bicycle Lockers. Where required bicycle parking is provided in lockers, the lockers shall be securely anchored.
- iii. Bicycle Racks. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks shall meet the following standards:
 - (A) The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
 - (B) A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
 - (C) The rack shall be securely anchored.
- iv. Parking and Maneuvering Areas.
 - (A) Each required bicycle parking space shall be accessible without moving another bicycle;
 - (B) There shall be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
 - (C) The area devoted to bicycle parking shall be hard surfaced.

v. Covered Bicycle Parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover shall be:

(A) Permanent;

(B) Designed to protect the bicycle from rainfall; and

(C) At least seven feet above the floor or ground.

vi. Signs. If required bicycle parking is not visible from the street or main building entrance, a sign shall be posted at the main building entrance indicating the location of the parking.

20.37.160 Samish Way urban village – Landscaping.

A. – D. [No change]

20.37.170 Samish Way urban village – Signs.

A. – C. [No change]

D. *Standards.*

1. Off-premises and rooftop signs are prohibited. Pole signs are prohibited with the exception of freeway-oriented signs as specified herein.

2. Building-mounted signage shall not exceed 300 square feet per use, and no single use shall have more than 100 square feet per building elevation, except as provided in subsections (D)(4) and (5) of this section.

Exemption: Building identification signs or cornerstones are permitted as an integral and architecturally compatible part of the building or structure. Cornerstones shall not exceed four square feet and building identification signs shall not exceed 32 square feet. These exemptions shall not contain any colors, words, letters, numbers, symbols, graphic designs, logos or trademarks for the purpose of identifying a good, service, product or establishment.

- 1 3. One monument sign per development site is permitted whether it is for a single or mixed
2 use. The monument sign shall not exceed 60 square feet per face or six feet in height measured
3 from existing grade.
- 4 4. Freeway-oriented signs are permitted as follows:
 - 5 a. Limited to the commercial approach area.
 - 6 b. Limited to one sign per property.
 - 7 c. Sign may be freestanding or located on a building.
 - 8 d. Sign shall be located between the subject building and the freeway.
 - 9 e. Sign height shall be no more than 20 feet above the surface of the nearest primary
10 driving lane at the nearest point to the sign.
 - 11 f. Sign size shall not exceed 250 square feet in area on any one face.
- 12 5. Animated, moving, blinking or electronic (LED or similar) message boards are permitted as
13 follows:
 - 14 a. Only in association with theaters.
 - 15 b. The total gross area of the message board for any one use shall not exceed one square
16 foot of area to one lineal foot of street frontage or 100 square feet, whichever is more
17 restrictive.
 - 18 c. Message boards are prohibited as freeway-oriented signs.
- 19 6. Building-mounted signs extending over the street right-of-way shall comply with ~~the~~
20 International applicable building and public works codes. ~~There shall be at least eight feet of~~
21 vertical clearance between the bottom of the sign and the sidewalk and the sign shall not extend
22 within two feet of the street curb.
- 23 7.- 9. [No change]
- 24

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

JANUARY 24, 2019

Following a public hearing and deliberation on the proposed amendments to the Samish Way Urban Village subarea plan and development regulations, the Bellingham Planning Commission has determined by a vote (7-0) that the proposal complies with and implement the goals and policies of the Bellingham Comprehensive Plan and should be adopted.

I. FINDINGS OF FACT

1. Summary of Proposal

The Samish Way Urban Village (SWUV) is located generally west of I-5, east of 34th Street, north of Bill McDonald Parkway and south of Edwards Street. Updates to the 2009 Subarea Plan and associated development regulations for the area were proposed due to changes in the transportation network identified in the city-wide pedestrian master plan (2012), bicycle master plan (2014), and N. Samish Way arterial study (2017). Other changes to the development regulations were recommended in the 2018 urban village status report. Outdated information was updated for consistency with city-wide codes and current conditions in the area.

2. Background Information

- The SWUV plan was initiated by the community and adopted in 2009 after significant public outreach and involvement in developing the overall vision and goals. The proposed amendments are consistent with this community vision.
- In 2015, the City acquired the site of the former Aloha Motel at 315 N. Samish Way. The property was sold to the BHA in 2017 and will be redeveloped with a mix of over 150 housing units serving a range of incomes, new office headquarters for the agency, and commercial uses. Redevelopment of the site will be a major step in moving closer towards the future vision for Samish Way urban village. The BHA has been pursuing financing and preliminary design feasibility since the purchase of the property, and recently received notification of a \$3M award from the State Department of Commerce Housing Trust Fund for project, which is scheduled to break ground later this year.
- In 2017, the city conducted a study to identify alternative configurations for N. Samish Way to reduce the number of drive lanes with the goal of improving pedestrian and bicycle safety. This resulted in a revised recommendation for the cross-section of this street, in conflict with the existing subarea plan.
- On October 24, 2018 city staff held a neighborhood meeting at Garden View Methodist Church on Forest Street to introduce the preliminary recommendations for the amendments. Approximately six members of the public were in attendance.
- On December 10, 2018, staff presented a report on the status of Bellingham's urban villages to City Council. Council supported the recommended changes for Samish Way, which are included in the proposal.

- On December 21, 2018, the site was posted and a Notice of Public Hearing mailed to property owners within 500 feet of the SWUV boundary.
- On January 24, 2019, the Planning Commission held a public hearing and work session on the proposed amendments.

3. Comprehensive Plan Goals and Policies

The City's Comprehensive Plan identifies the goals and policies that are used as a guide for legislative and administrative decisions regarding changes to the comprehensive plan and development codes. Relevant comprehensive plan goals and policies are provided in Attachment A.

4. Public Comment

The public comments received are provided in Attachment B.

5. State Environmental Policy Act (SEPA) Determination if applicable

A non-project Determination of Non-Significance was issued on December 20, 2018.

6. Consistency with the Comprehensive Plan, and/or Review Criteria (BMC 20.20.040)

A. There exists an error, omission or inconsistency in the pertinent comprehensive plan or neighborhood plan provision;

Changing neighborhood conditions and updates in city-wide regulations have resulted in inaccuracies in the SWUV plan and regulations. The amendments will address these issues:

- Update required street improvement cross sections and right-of-way dedication maps to reflect current conditions;
- Update preferred bike routes, bike facilities and pedestrian facilities for consistency with the city-wide bicycle and pedestrian master plans;
- Update growth projections from the most recent Comprehensive Plan analysis;
- Update hotel/motel data to reflect the current status of those operating in the district and the overall lodging industry;
- Update capital facility cost estimates with current projects and prices.

B. All of the following criteria have been met:

1. The proposed amendment is consistent with the Growth Management Act (GMA) and other applicable laws; or

The Bellingham Comprehensive Plan, developed in accordance with the GMA, contains several goals and policies that are consistent with and addressed by these amendments, as provided in Attachment A.

2. The proposed amendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the comprehensive plan goals and policies.

The proposed amendments address the changing circumstances and values and support the applicable comprehensive plan goals and policies:

- Revise the proposed configuration of the Samish Way arterial to improve bicycle and pedestrian safety and create a more appropriate street character to support development of a compact mixed-use district;
- Eliminate the requirement for a setback or step-back when abutting a right-of-way to reinforce building to the street edge;
- Provide flexibility in building height for the BHA redevelopment to support the creation of a range of housing types, including much needed affordable, senior, and transitional housing;
- Expand the allowable types of infill housing and increase the density of infill housing in the Residential Transition zones to promote residential development and range of housing opportunities.

3. The proposed amendment will result in long-term benefit to the community and is in the community's overall best interests.

The proposed amendments will continue to support the long-term vision and goals for the SWUV of creating a dense urban mixed-use neighborhood, additional housing opportunities and safer bicycle and pedestrian infrastructure and amenities. In addition, the amendments support the BHA redevelopment of the Aloha Motel property by providing flexibility in the height, while protecting the interests of surrounding property owners. This project will be a major investment in the area and will result in the conversion of a highly underutilized vacant property.

4. The amendment will not adversely affect the public health, safety or general welfare.

Staff Response: The proposed amendments will improve public health, safety and welfare by supporting revisions to the Samish Way arterials to improve travel conditions for bicycles and pedestrians, increasing opportunities for housing and creation of a neighborhood commercial district, and providing additional commercial, entertainment, services and amenities for the area.

II. CONCLUSIONS

Based on the staff report and the information presented at the public hearing, the Planning Commission concludes that the proposed amendments to the comprehensive plan and development regulations meet all of the Comprehensive Plan amendment criteria in BMC 20.20.040.


III. RECOMMENDATIONS

Based on the findings and conclusions, the Bellingham Planning Commission recommends that the City Council approve the proposed amendments to the comprehensive plan and development regulations as shown in the draft ordinance as provided in Attachment C.

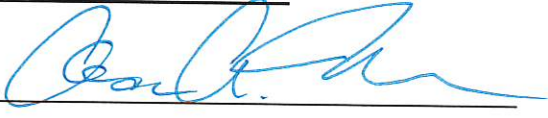
ADOPTED this 24th day of January, 2019.



Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM: 

City Attorney

EXHIBIT A

Samish Way Urban Village Plan Update Relevant Comprehensive Plan Goals and Policies

GOAL LU-1 Support sense of place in neighborhoods.

Policy LU-4 Protect the unique character and qualities of existing neighborhoods, while identifying opportunities for improved livability, safety, and housing affordability and diversity.

Policy LU-5 Foster neighborhoods with a balanced mix of housing prices that are compatible with the wages and incomes in the community.

Policy LU-7 Periodically review and update the City's residential zoning regulations and design standards to promote quality development that considers and complements existing neighborhoods.

GOAL LU-2 Foster vibrant urban villages.

Policy LU-12 The Urban Village designation encourages the creation of intensely-developed mixed use areas where infrastructure, transit, and other public facilities and services are available or can easily be provided. Urban villages should provide significant job opportunities and a substantial amount of new housing, allowing people to work, shop and recreate near where they live. The ultimate mix of land uses, densities, infrastructure requirements and other typical zoning, design, and development standards should be established in a master plan.

Policy LU-13 Promote and facilitate continued development of the City's seven existing urban villages - Downtown, Waterfront, Fairhaven, Fountain, Samish Way, Old Town and Barkley. These areas are expected to accommodate significant residential and mixed use development over the 20-year planning period (see urban village master plans, design standards, and regulations).

Policy LU-15 Continue effective incentives and develop new incentives where needed for the planned urban villages. These incentives should be targeted to areas where they have proven to be successful and/or where the greatest need has been identified. Incentives should be flexible to respond to opportunities and changing markets.

Policy LU-18 Develop new plans and update existing plans as needed to reflect the unique nature of each urban village. The plans should consider the elements identified in Policy LU-11, as well as the following:

- Land uses and adaptive performance-based development standards to encourage compatible new development and greater flexibility in design, particularly when the development context is well defined;
- An appropriate mix of commercial, office and residential uses;
- Parking requirements, including the potential for parking maximums and/or reduced parking requirements, and design standards that support multi-modal transportation options; and
- Sustainable development practices and the use of the Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND) rating system, or similar system, to measure the potential sustainability outcomes of the proposed plans.

GOAL LU-3 Support a thriving local economy across all employment sectors.

Policy LU-22 Avoid auto-oriented strip commercial development. Where such areas already exist, prohibit linear expansion and encourage redevelopment into more compact, mixed-use nodes of activity, especially along WTA transit routes.

Policy LU-23 Regularly review and update the City's commercial zoning regulations (e.g. text and associated maps), design standards, and design review process as needed to allow design flexibility and creativity, address emerging issues, and foster compatibility of development with the character of surrounding areas.

Policy LU-24 Encourage the inclusion of context-sensitive elements in the design, maintenance, and update of new and existing mixed-use, industrial and commercial sites (e.g. lighting, signs and landscaping) and buildings (e.g. scale and height).

Policy LU-71 Review parking standards to reduce the impacts of parking lots on urban form, pedestrian mobility, and the natural environment. Continue to pursue parking management best practices.

GOAL CD-1 Promote streetscapes that enhance the economic vitality and overall visual quality of the City, support the circulation network, and support pedestrian-scale streets and patterns of activity.

Policy CD-1 Enhance the streetscapes along the City's major commercial corridors and other major streets through coordinated public and private improvements to convey a positive image of the district they are located within, contribute to its economic vitality and perception of the City, and improve visual and physical transitions into adjacent neighborhoods.

Policy CD-2 Ensure that land use, fire, and street standards are coordinated to provide greater pedestrian comfort and safety and more attractive alternative modes of transportation. Implementation strategies include:

- Discourage cul-de-sacs where topography allows and encourage well-connected streets in new and existing neighborhoods.
- Connect missing links within the Citywide multimodal transportation network for all modes of transportation, including pedestrians, bicycles, transit, freight trucks, and automobiles.
- Implement street calming measures in street designs to improve speed limit observance.
- Where possible, install physical buffers between the sidewalk and traffic such as site appropriate street trees and landscaping, street furniture, rain gardens or other low impact development techniques, and on-street parking.
- Orient new development to streets, and effectively frame in the streetscape.
- Encourage commercial activities such as sidewalk retail and outdoor dining.
- Restrict parking to the side or rear of development, or within a structure.
- Consider allowing on-street parking to count toward off-street requirements in selected mixed-use areas to encourage compact, pedestrian-oriented development and to lessen the size and impacts of large parking lots.
- Encourage the use of alleys for vehicle access and utility installation.
- Coordinate placement of physical features between streets and buildings to accommodate staging areas for emergency response vehicles, including aerial apparatus.
- Prioritize implementation of the above in designated urban villages as outlined in the Land Use Chapter

Policy CD-8 Discourage future extension of linear auto-oriented commercial development along rights-of-way in areas already developed. Existing auto-oriented strip commercial areas should be converted to support and contribute to walkable, mixed-use areas wherever possible.

Policy CD-9 Support public and private investment in improved infrastructure and amenities in existing neighborhoods, particularly in areas with high concentrations of low-income housing.

Policy CD-12 Periodically review and update the City's zoning regulations, design standards and design review process to ensure they promote quality development and result in projects that consider and complement existing neighborhoods. Specific recommendations include:

- [several bullets not applicable]

- Review auto parking standards to reduce the impacts of parking on urban form, adjacent uses, housing affordability, pedestrian mobility, and the natural environment. Continue to pursue parking management best practices.
- Adopt long- and short-term bike parking requirements.

GOAL CD-5 Ensure that the design and development of urban villages and transit corridors convey a positive image of the district they are located within, contribute to the economic vitality and perception of the City, and improve visual and physical transitions into adjacent neighborhoods.

Policy CD-29 Design urban villages and transit corridors to promote reduced dependency on automobiles and provide opportunities for increased pedestrian, bicycle, and public transit access.

GOAL H-1 Ensure that Bellingham has a sufficient quantity and variety of housing types and densities to accommodate projected growth and promote other community goals (see Land Use Chapter).

Policy H-1 Support high-density and mixed commercial/residential development in the City's urban villages, high capacity transit corridors connecting the villages and other appropriate areas that allow people to work, shop and recreate near where they live.

Policy H-3 Encourage well-designed infill development on vacant or underutilized properties.

Policy H-4 Continue to support implementation of the Infill Housing Toolkit, which permits innovative housing forms such as small and smaller lot single-family homes, cottages, duplexes, triplexes, common courtyards and townhomes.

Policy H-6 Review commercial zoning regulations that require commercial development along with residential development. Consider adding criteria that would allow, in certain circumstances, residential uses to develop independently or within commercial flex space.

Policy H-13 Consider the impacts on Citywide housing capacity, affordability and diversity when making land use policy decisions and code amendments.

Policy H-14 Actively coordinate with public and private partners in efforts to meet regional housing needs.

GOAL H-4 Support housing options for special needs populations.

Policy H-46 Work with agencies, private developers and nonprofit organizations to locate housing to serve Bellingham's special needs populations, particularly those with challenges related to age, health or disability.

Policy H-52 Foster and support partnerships that have proven to be successful in reducing homelessness, preventing homelessness and assisting the chronically homeless with needed care.

GOAL T-2 Provide safe, well-connected, and sustainable mobility options for all users.

Policy T-5 Connect missing links within the Citywide multimodal transportation network for all modes of transportation, including pedestrian, bicycle, transit bus, freight trucks, and private automobiles.

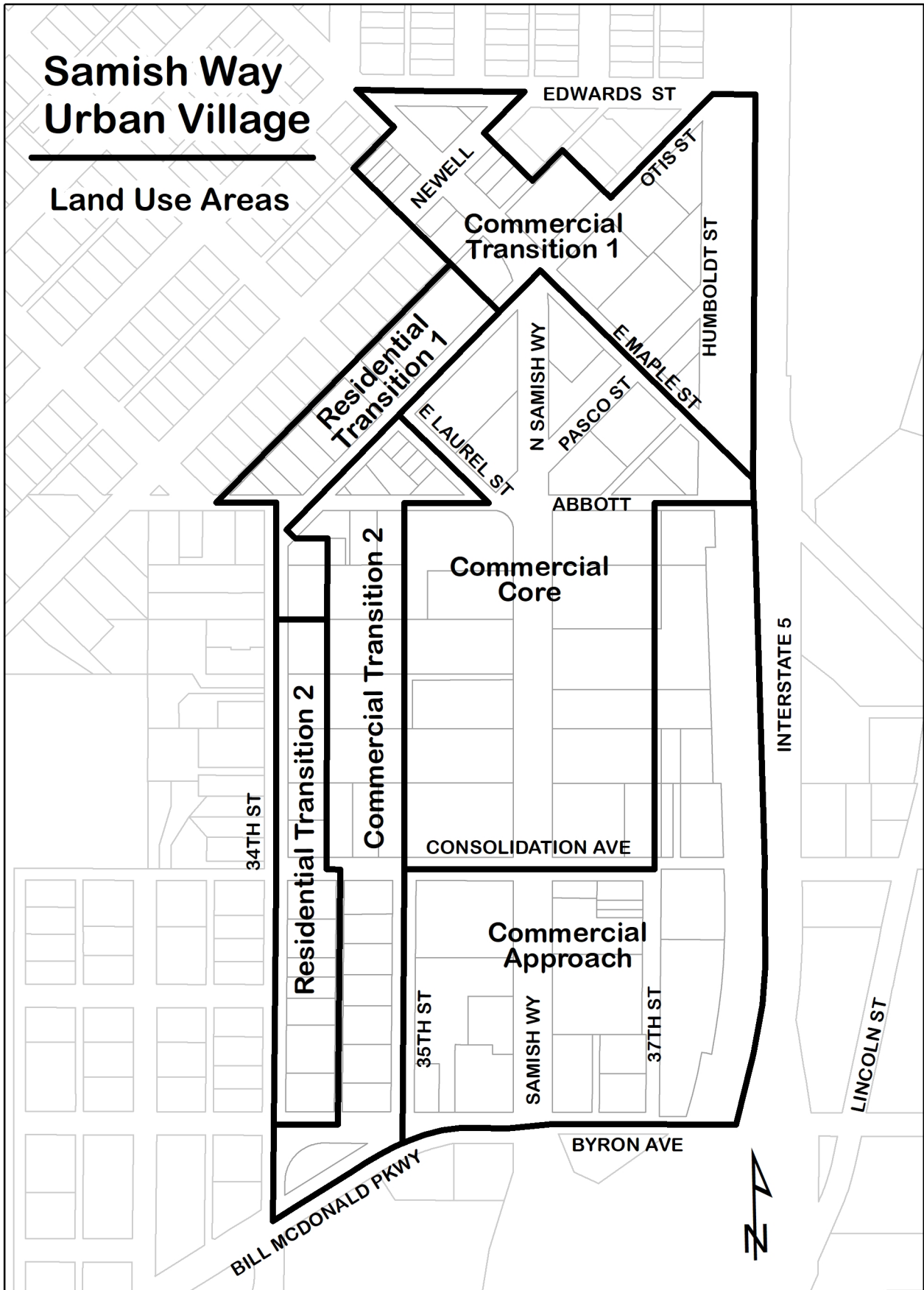
Policy T-6 Design multimodal transportation improvements on existing and new streets with the safety and mobility needs of all user groups considered and with priority emphasis placed on the most vulnerable user groups, as illustrated below:

- Pedestrians
- Bicycles
- Public Transit
- Commercial Vehicles/Trucks
- High Occupancy Vehicles
- Single Occupancy Vehicles

GOAL T-3 Increase infrastructure for bicycles, pedestrian, and non-single-occupancy vehicle modes of transportation

Policy T-9 Incorporate sidewalks, crosswalks, and bikeways identified in the Pedestrian and Bicycle Master Plans into all transportation capital improvements on public streets, wherever feasible.

ATTACHMENT 3



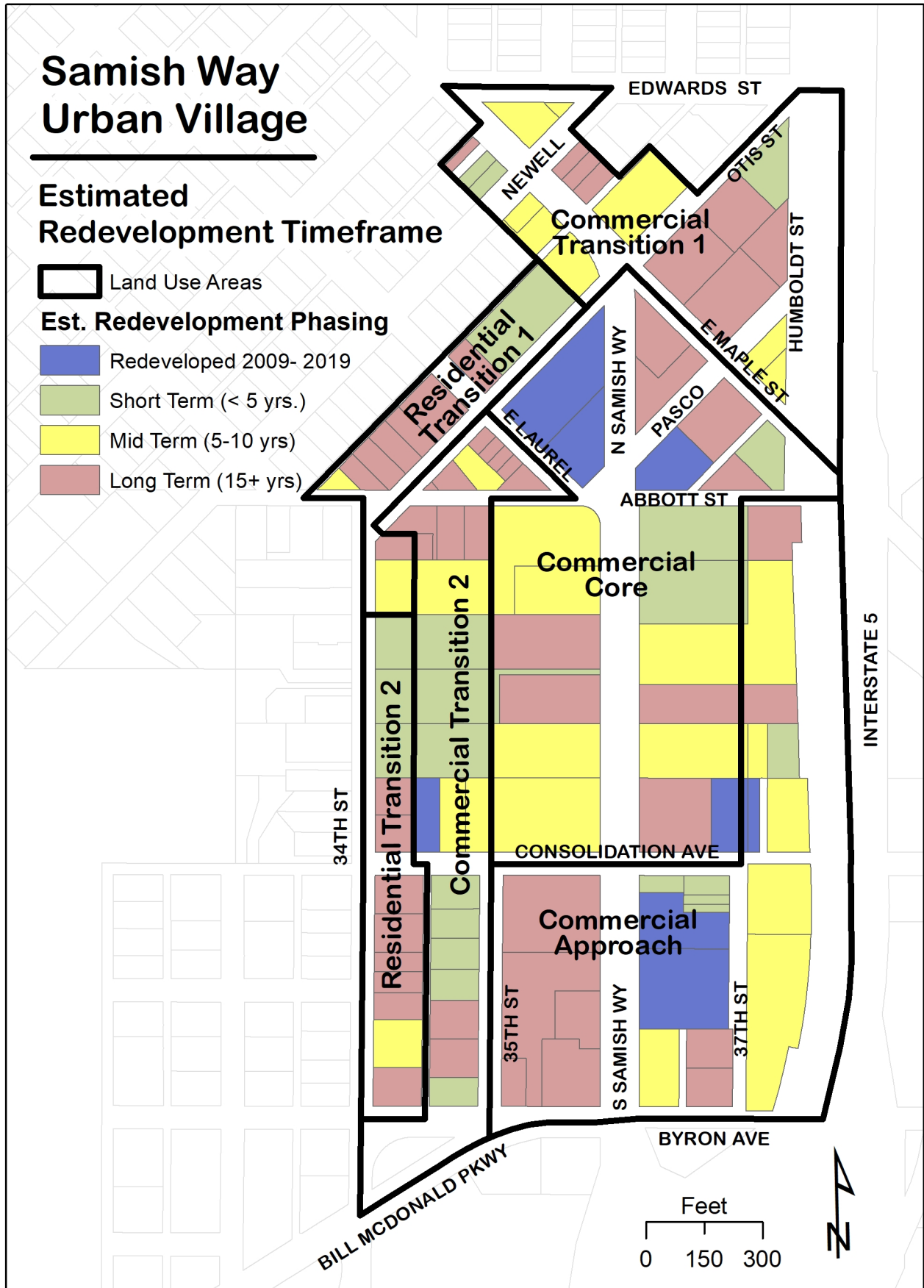
Samish Way Urban Village

Estimated Redevelopment Timeframe

 Land Use Areas

Est. Redevelopment Phasing

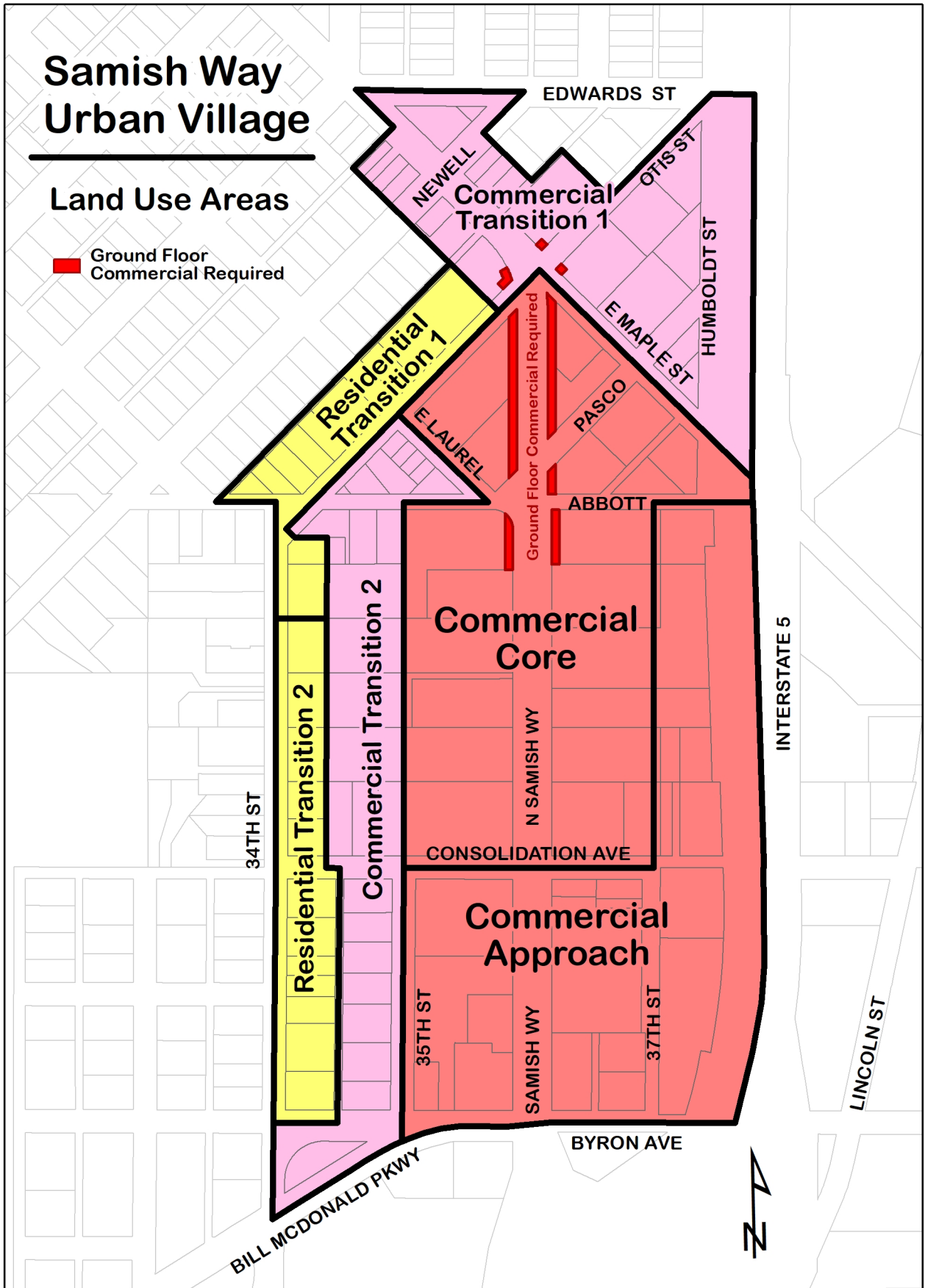
-  Redeveloped 2009- 2019
-  Short Term (< 5 yrs.)
-  Mid Term (5-10 yrs)
-  Long Term (15+ yrs)



Samish Way Urban Village

Land Use Areas







 Ground Floor Commercial Required

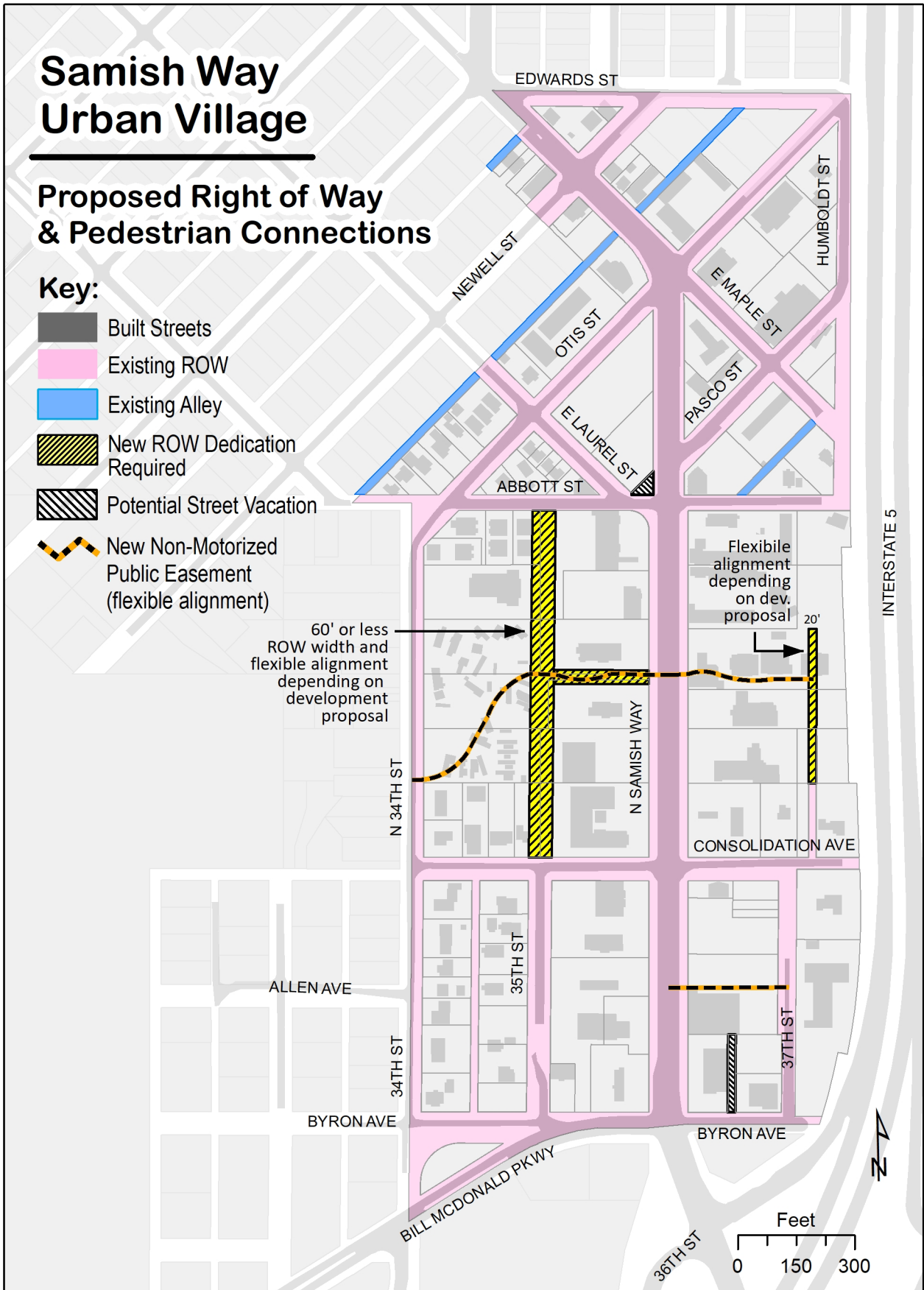


Samish Way Urban Village

Proposed Right of Way & Pedestrian Connections








Key:

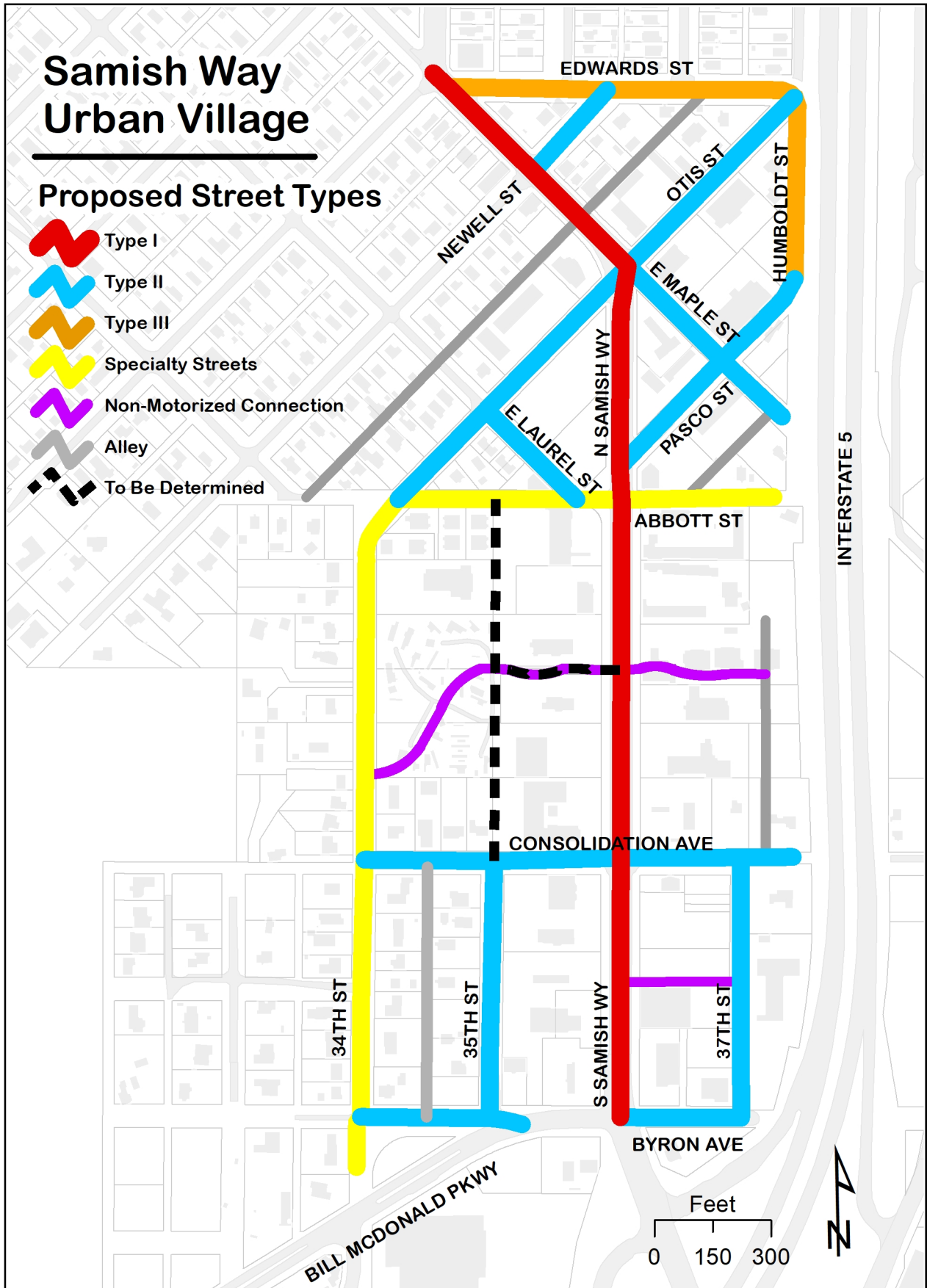
-  Built Streets
-  Existing ROW
-  Existing Alley
-  New ROW Dedication Required
-  Potential Street Vacation
-  New Non-Motorized Public Easement (flexible alignment)



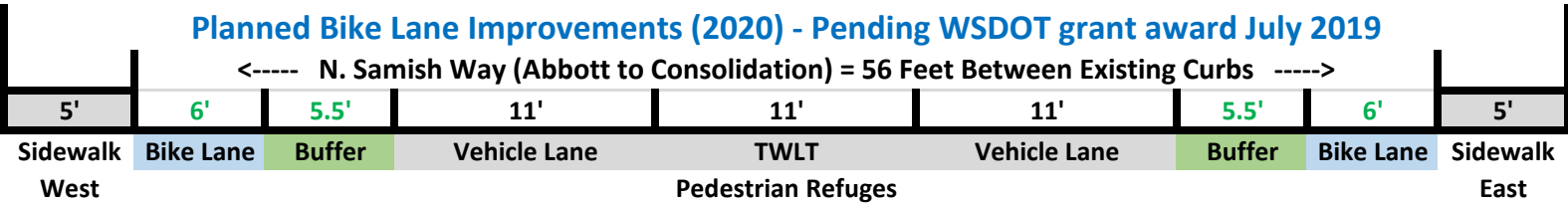
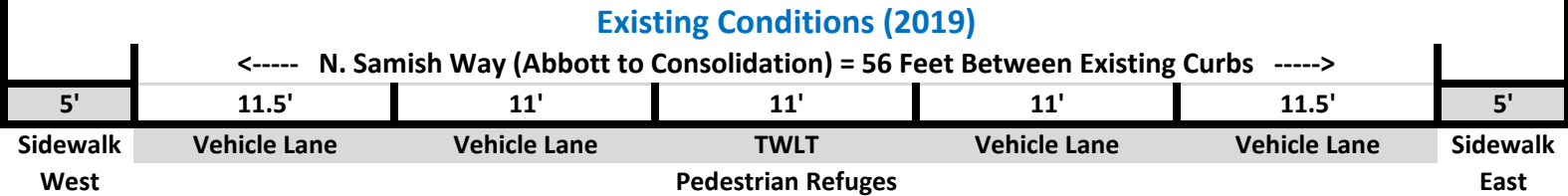
Samish Way Urban Village

Proposed Street Types

-  Type I
-  Type II
-  Type III
-  Specialty Streets
-  Non-Motorized Connection
-  Alley
-  To Be Determined

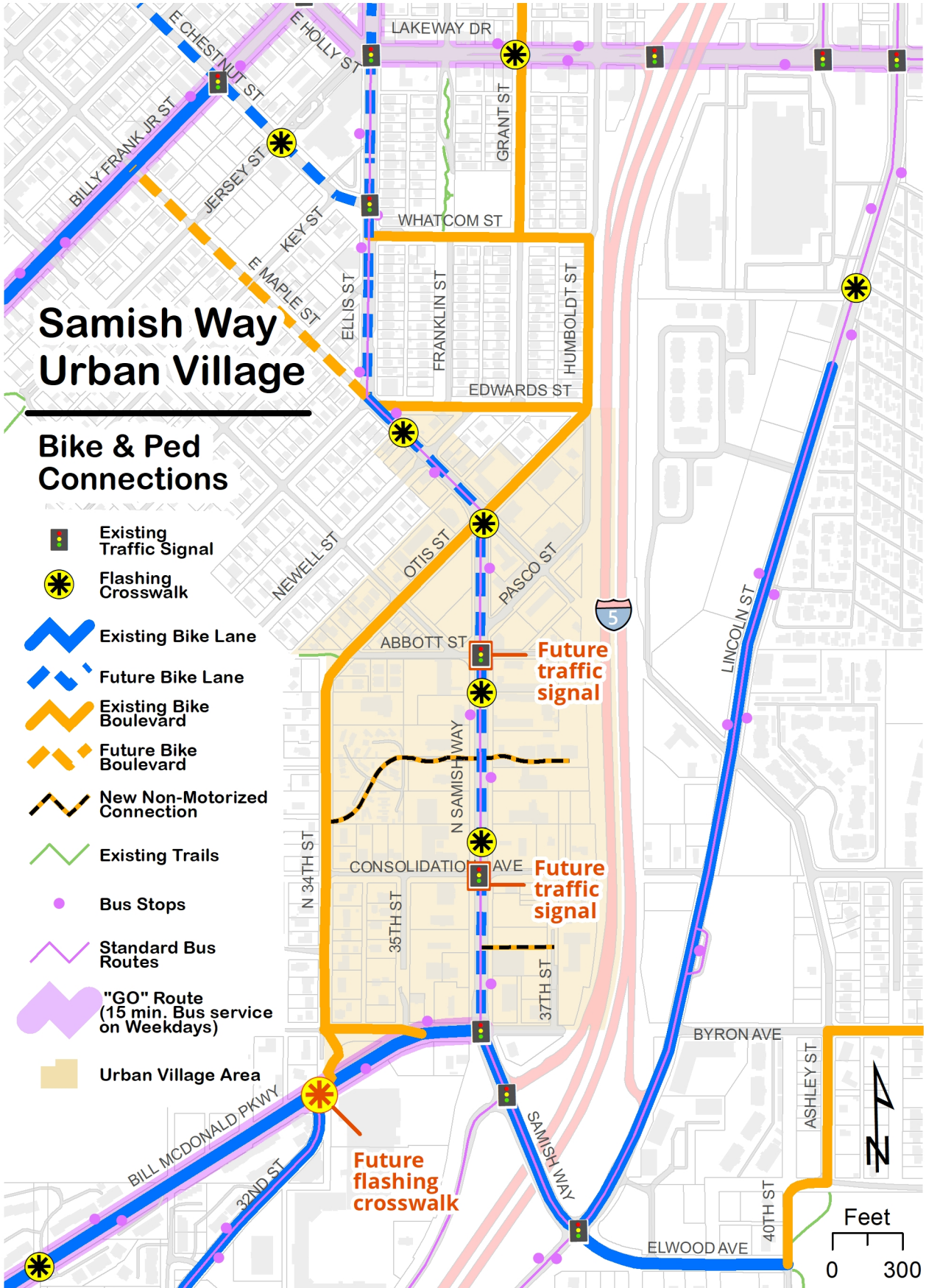


<----- N. Samish Way (Abbott to Consolidation) = 56 Feet Between Existing Curbs ----->



The 2016-2017 Samish-Maple-Ellis Corridor Study determined that if on-street parking is desired on one side of N. Samish Way without widening the street, the following changes must be made:

- 1) Eliminate, consolidate, and reduce the number of commercial driveways along N. Samish Way.
- 2) Demolish & reconstruct pedestrian refuges, shift medians 8-feet to the opposite side of the desired parking lane.
- 3) Downgrade bicycle lanes to 5 foot + 2 foot buffer, with an extra foot buffer for the bicycle lane against parked cars.
- 4) Rechannelize features on the street surface.





City Council Agenda Bill

22039

Bill Number

Subject: **Housing/Equity Assessment - Update**

Summary Statement: The Council has prioritized the preparation of a Housing/Equity Assessment as a means of identifying areas within the City that could support an expanded range of housing types to promote increased affordability and economic diversity in established neighborhoods. Potential locations and corresponding housing types would be selected based on criteria that included the potential for increased economic diversity, opportunities for environmental sustainability and good access to: recreational facilities, healthy food, transit routes and schools. A series of questions have been identified that frame this discussion. Planning and Community Development (PCDD) staff will present the framing questions with specific emphasis on addressing the reasons for the affordability gap and what a City can do about it.

Previous Council Action: **Adoption of the 2016 Comprehensive Plan; Adoption of 2018 Consolidated Plan; Direction to Staff at August 27, 2018 meeting to prepare Equity Audit**

Fiscal Impact: **Staff time to facilitate this assessment was included in the adopted 2019-2020 PCDD Work Program**

Funding Source: **General Fund**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Information Only	7/01/2019	Information/Discussion	Rick Sepler, Planning Director	20 minutes

Recommended Motion:

Council Committee:
Planning and Community Development Committee

Agenda Bill Contact:
Rick Sepler, Planning and Community Development, 360-778-8300

Reviewed By	Department	Date
<i>Rick M. Sepler</i>	Planning & Community Development	6/20/2019

Council Action:

<i>Alan A. Marriner</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019



City Council Agenda Bill

22352

Bill Number

Subject: **Model Toxics Control Act (MTCA) Site Update**

Summary Statement: The City of Bellingham is a Potentially Liable Party (PLP) on several Model Toxics Control Act sites in and around Bellingham Bay. These sites are regulated by the Washington State Department of Ecology. The Port is also a PLP on several sites in and around Bellingham Bay. In addition, there are sites that are joint City/Port projects. Staff will present information about the cleanup status and process during the committee meeting.

Previous Council Action: **Numerous Discussions and Votes**

Fiscal Impact: **Estimated Remediation Obligation: \$35,000,000**

Funding Source: **Solid Waste, Environmental and General Funds**

Attachments: 1. STAFF MEMO

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Committee Briefing - Information Only	7/01/2019	Information/Discussion	Amy Kraham, Assistant City Attorney	10 minutes

Recommended Motion:

Council Committee:
Committee Of The Whole

Agenda Bill Contact:
Amy Kraham, Legal Department

	Reviewed By	Department	Date
Council Action:	<i>Peter M. Ruffatto</i>	Legal	6/17/2019
	<i>Ted A. Carlson</i>	Public Works	6/17/2019
	<i>Andrew D. Asbjornsen</i>	Finance	6/21/2019
	<i>Amy B. Kraham</i>	Legal	6/21/2019
	<i>Kelli J. Linville</i>	Executive	6/24/2019



City of Bellingham
 210 Lottie Street
 Bellingham, WA 98225

MEMORANDUM

TO: Bellingham City Council
FROM: Amy Kraham
CC: Ted Carlson
SUBJECT: Model Toxics Control Act Site Update
DATE: 07/01/2019

The City of Bellingham is a Potentially Liable Party (PLP) on several Model Toxics Control Act sites in and around Bellingham Bay. These sites are regulated by the Washington State Department of Ecology. The Port is also a PLP on several sites in around Bellingham Bay. In addition, there are sites that are joint City/Port projects. The following table summarizes which entity is managing the cleanup and the status of the sites. Staff will present further information about the cleanup process during the committee meeting.

City Sites	Port Sites	Joint Sites
HOLLY STREET LANDFILL CONSTRUCTION COMPLETE	HARRIS AVENUE SHIPYARD RI/FS COMPLETE INTERIM ACTION COMPELETE CAP UNDERWAY	WHATCOM WATERWAY (PHASE 1 AND 2) PHASE 1 COMPLETE PHASE 2 ENGINEERING AND DESIGN UNDERWAY
ELDRIDGE MUNICIPAL LANDFILL OUTH STATE STREET MANUFACTURED GAS PLANT CONSTRUCTION COMPLETE – MONITORING ONGOING	WELDCRAFT RI/FS UNDERWAY	CORNWALL AVENUE LANDFILL RI/FS, CAP, CONSENT DECREE COMPLETE ENGINEERING AND DESIGN UNDERWAY
SOUTH STATE STREET MANUFACTURED GAS PLANT RI/FS COMPLETE CAP UNDERWAY PSE PARTNER PLP	MARINE SERVICES READY TO BEGIN RI/FS	CENTRAL WATERFRONT RI/FS COMPLETE CAP COMPLETE ENGINEERING AND DESIGN UNDERWAY
RG HALEY RI/FS COMPLETE CAP COMPLETE ENGINEERING AND DESIGN UNDERWAY	I & J WATERWAY RI/FS COMPLETE CAP COMPLETE ENGINEERING AND DESIGN UNDERWAY	
	GP WEST (CHLOR-ALKALI AND PULP AND TISSUE RAUS) PULP AND TISSUE RAU CONSTRUCTION COMPLETE CHLOR-ALKALI RI/FS COMPLETE, CAP UNDERWAY	



City Council Agenda Bill

22353

Bill Number

Subject: **Authorization of A/P Checks Issued June 14, 2019**

Summary Statement: In accordance with state law, approval is requested for the payment of the following checks issued for City goods and services received.

AP ACH and Check #541723 through #541834 were issued on June 14, 2019 for pay period June 08, 2019 through June 14, 2019 in the amount of \$1,526,584.96

Previous Council Action: **2019-2020 Adopted Budget**

Fiscal Impact: **Checks issued for amounts shown above are within legally appropriated budget.**

Funding Source: **Citywide Funds**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	7/01/2019	Authorize Accounts Payable	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Sharon Martin, Finance Department

Reviewed By

Department

Date

Andrew D. Asbjornsen

Finance Department

6/21/2019

Council Action:

Matthew T. Stamps

Legal

6/24/2019

Kelli J. Linville

Executive

6/24/2019



City Council Agenda Bill

22354

Bill Number

Subject: **Authorization of A/P Checks Issued June 21, 2019**

Summary Statement: In accordance with state law, approval is requested for the payment of the following checks issued for City goods and services received.

AP ACH and Check #541835 through #541985 were issued on June 21, 2019 for pay period June 15, 2019 through June 21, 2019 in the amount of \$2,158,463.51

Previous Council Action: **2019-2020 Adopted Budget**

Fiscal Impact: **Checks issued for amounts shown above are within legally appropriated budget.**

Funding Source: **Citywide Funds**

Attachments:

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	7/01/2019	Authorize Accounts Payable	N/A	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Rossner Gideon, Finance Department

Reviewed By

Department

Date

Andrew D. Asbjornsen

Finance Department

6/24/2019

Council Action:

Matthew T. Stamps

Legal

6/24/2019

Kelli J. Linville

Executive

6/24/2019



City Council Agenda Bill

22355

Bill Number

Subject: **Bid Award for 2019 Crack Seal Program RE-BID, RFP #43B-2019**

Summary Statement: The 2019 Crack Seal Program is an annual project that extends the life of City streets by sealing asphalt cracks and preventing surface water from entering the roadway subgrade. The City received 4 bids which were publicly opened on 6/6/2019. Central Paving of Ellensburg WA was the responsible bidder who submitted the lowest responsive bid of \$144,900.00, including any applicable Washington State Sales or Use Tax. The engineer's estimate was \$180,000.00.

Previous Council Action: **2019-2020 Budget Approval**

Fiscal Impact: **2019 City Street Fund (111) of \$144,900.00**

Funding Source: **Street Fund (111)**

- Attachments:
1. BID OPENING FINAL REPORT 43B-2019
 2. MANDATORY BIDDER RESPONSIBILITY CHECKLIST 43B-2019

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	7/01/2019	Award Bid	Ted Carlson PW Director	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Mike Olinger, Superintendent Maintenance, 778-7725

Council Action:

Reviewed By	Department	Date
<i>Ted A. Carlson</i>	Public Works	6/17/2019
<i>Connie C. Allen</i>	Purchasing	6/17/2019
<i>Andrew D. Asbjornsen</i>	Finance	6/21/2019
<i>Matthew T. Stamps</i>	Legal	6/24/2019
<i>Kelli J. Linville</i>	Executive	6/24/2019



**CITY OF BELLINGHAM
FINAL BID OPENING REPORT**

DAN LARSEN-PROJECT MANAGER

**NATE KINCAID,
AARON MCELROY- BUYERS**

BID NAME

BID NUMBER

DATE OPENED

2019 Crack Seal Program REBID

43B-2019

6/6/2019

Company Name

CITY/STATE

TOTAL BID AMOUNT

Central Paving

Ellensburg, WA

\$144,900.00

CR Construction

Bellingham, WA

\$187,200.00

Huizenga Enterprises

Bellingham, WA

\$210,000.00


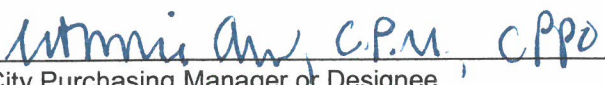
Doolittle Construction

Bellevue, WA

\$222,000.00

MANDATORY BIDDER RESPONSIBILITY CHECKLIST

This checklist shall be completed and signed by bidder. The Purchasing Office shall print a copy of all verifying documentation from the appropriate websites for inclusion in the project file along with this checklist. This checklist shall be attached to the agenda bill (or requisition if no agenda bill is prepared).

GENERAL INFORMATION	
Bid Number: 43B-2019	Bid Submittal Deadline: June 6th, 2019
Project Name: 2019 Crack Seal Program	Project Number: 43B-2019
Bidder's Business Name: Central Paving LLC	City Business Registration Number: Obtained upon contract award Active? <i>Pending</i> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>
CONTRACTOR REGISTRATION	
https://fortress.wa.gov/lni/bbip/	
License Number: CENTRPL856RJ	License Active? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Effective Date: 12/11/2015	Expiration Date: 12/11/2019
UBI/TAX REGISTRATION NUMBER	
http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/	
UBI/TAX Registration Number: 603-439-290	Account: Open <input checked="" type="checkbox"/> Closed <input type="checkbox"/>
INDUSTRIAL INSURANCE COVERAGE	
https://fortress.wa.gov/lni/crpsi/MainMenu.aspx	
Account Number: 522,343-00	Account Current? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
EMPLOYMENT SECURITY DEPARTMENT	
Employment Security Department Number: 075285-00-0	
Has Bidder provided account number on the Bid Form?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
NOT DISQUALIFIED FROM BIDDING	
http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/default.asp	
Is the Bidder listed on the "Debarred Contractors List" list of the Washington State Department of Labor and Industries Website?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>Attach printout from website</i>
http://www.SAM.gov/	
Is the bidder listed on the current debarred or suspended bidder list available on the U.S. General Services Administration's System for Award Management ("SAM") website?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>Attach printout from website</i>
BIDDER CERTIFICATION	
The bidder hereby certifies under penalty of perjury under the laws of the State of Washington that, within the 3-year period immediately preceding the bid solicitation date, the bidder is not a "willful" violator, as defined in RCW 49.48.082, of any provision of RCW 49.46, 49.48, or 49.52, as determined by a final and binding citation and notice of assessment issued by the Department of Labor and Industries or through a civil judgment entered by a court of limited or general jurisdiction. The undersigned further certifies that all other information provided by bidder on this form is true and correct.	
	6/3/2019
Signature of Authorized Official	Date
Colby Peone, Project Manager/Estimator	Ellensburg, WA
Print Name & Title	Place of Execution (City & State)
CITY VERIFICATION	
	<i>6/6/19</i>
City Purchasing Manager or Designee	Date
Has bidder satisfied applicable supplemental responsibility criteria?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <i>Documentation on file</i>



City Council Agenda Bill

22356

Bill Number

Subject: Memorandum of Understanding Between State of Washington Department of Transportation and the City of Bellingham for Installation and Maintenance of Automated Bike and Pedestrian Counters

Summary Statement: The City currently utilizes automated bike and pedestrian counters at two locations in the City to collect data to evaluate the effectiveness of multi-modal facility improvements constructed to support the goals of the Bike and Pedestrian Master Plan. WSDOT has funding available through a grant to purchase and install counters at approximately ten additional locations for the City. The City sees this as an enhancement to further transportation planning efforts and would agree to maintain the equipment and report collected data back to WSDOT at regular intervals. At the end of the five-year study period, the City would assume ownership of the equipment.

Previous Council Action: **None.** The current equipment being utilized to collect multi-modal data was installed at the City's expense.

Fiscal Impact: WSDOT provided an estimated \$60,000 for equipment and installation costs. The City's operational costs for maintenance and remote cell communication charges for the new counters is estimated at \$6,400/year based on our experience with the existing two monitoring stations.

Funding Source: **Street Fund (111)**

Attachments: 1. INTERLOCAL AGREEMENT WITH WSDOT FOR BIKE & PED COUNTER INSTALLATION & MAINTENANCE

Meeting Activity	Meeting Date	Recommendation	Presented By	Time
Consent Agenda	7/01/2019	Authorize Contract	Ted Carlson, PW Director	0 minutes

Recommended Motion:

Council Committee:

Agenda Bill Contact:

Clark Williams, Superintendent 778-7810

Reviewed By

Department

Date

Ted A. Carlson

Public Works

6/19/2019

Council Action:

Matthew T. Stamps

Legal

6/24/2019

Kelli J. Linville

Executive

6/24/2019

MEMORANDUM OF UNDERSTANDING
BETWEEN
STATE OF WASHINGTON
Department of Transportation
AND
Local Agency City of Bellingham

This Memorandum of Understanding (MOU), pursuant to Chapter 39.34 RCW, is made and entered into by and between the Washington State Department of Transportation, ATTN: Transportation Data, GIS and Modeling Office, PO Box 47830, Olympia WA 98504-7830, hereinafter referred to as ("WSDOT") and the Local Agency City of Bellingham, ATTN: Superintendent of Transportation, 2221 Pacific Street, Bellingham WA 98229, hereinafter referred to as ("City").

The purpose of this MOU is to define the roles and responsibilities associated with the installation and maintenance of bike and pedestrian automated counters installed on trails or public roadways by the Washington State Department of Transportation and managed by local agency partners.

Counters and Totems purchased through the 2016 Pedestrian and Bicycle and Safe Routes to School OSPI Grant GCB2882 will include purchase and installation costs. Awarded agencies will be responsible for monthly data retrieval, annual data fee to the vendor, spot maintenance, and battery replacement for a period of 5 years, at which time ownership of the equipment belongs to the City. WSDOT is not responsible for counter replacement after manufacturer warranty expires. Access to the data must be shared with WSDOT.

1. WSDOT Responsibilities:

a. Before Equipment Installation

- WSDOT will work directly with a primary project contact assigned from the City to schedule and coordinate the installation of bike and pedestrian counter equipment. WSDOT will schedule equipment installation at least one month in advance, unless schedules and weather permit an earlier installation.
- WSDOT will conduct a site visit to determine the optimal location to install the counter equipment. WSDOT will bill the staff time and travel required to evaluate the site location unless it can be coordinated within WSDOT's current workload.

b. During Equipment Installation

- Before leaving the project site, WSDOT will conduct a series of equipment validation tests to ensure the equipment is properly functioning.

c. **After Equipment Installation**

- WSDOT will provide remote equipment troubleshooting assistance when requested by the City to help identify technical problems associated with the equipment. If requested to repair the equipment, WSDOT will bill the staff time, travel and equipment replacement costs to the City.
- WSDOT will maintain a record of site visits and repairs made to the equipment and will provide the documentation to the City as updates occur.
- WSDOT will assist the City to set up a user account with equipment vendor. This will provide full access to the data from the awarded counters installed by WSDOT.

2. **Local Agency Responsibilities:**

d. **Before Equipment Installation**

- The City will assign a primary contact to WSDOT to coordinate the installation of bike and pedestrian equipment.
- The City will locate utilities two business days ahead, within the project area and provide documentation to WSDOT prior to the date of equipment installation.
- The City will provide WSDOT with an approved Right-of-Way use permit describing the characteristics associated with the bike and pedestrian automated counter installation guide.

e. **During Equipment Installation**

- The City will have a representative present on-site that is knowledgeable about the project details and is able to provide location and contextual guidance to the installation crews as needed.
- If required, the City will provide the traffic control needed to protect the crew during equipment installation or WSDOT can provide traffic control and will bill the staff time, travel and equipment to the City.

f. **After Equipment Installation**

- The City will monitor the counters to ensure they are functioning properly and report equipment malfunctions to WSDOT as soon as possible to minimize loss of data. WSDOT will assist remotely to troubleshoot technical issues as needed. If requested to repair the equipment, WSDOT will bill the staff time, travel and equipment replacement costs to the City.
- The City will document all site visits and repairs to the counter equipment and provide the documentation to WSDOT as updates occur.
- The City will share the data from the awarded counters installed by WSDOT for use.

3. **MOU Management:** The work described in this MOU shall be performed under the coordination of the Roadway Operations Supervisor within the Transportation Data, GIS and Modeling Office of WSDOT and the “Superintendent of Transportation” within the City. They shall provide assistance and guidance to the other party necessary for the performance of this MOU.
4. **Indemnification:** Each party shall defend, protect and hold harmless the other party from and against all claims, suits and/or actions arising from any negligent or intentional act or omission of that party’s employees, agents, and/or authorized subcontractor(s) while performing this MOU.
5. **MOU Alterations and Amendments:** This MOU may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.
6. **Termination:** Except as otherwise provided in this MOU, either party may terminate this MOU, upon thirty (30) days' written notification to the other party. If this MOU is so terminated, the terminating party shall be liable only for performance in accordance with the terms of this MOU for performance prior to the effective date of termination.
7. **Disputes:** The parties to this MOU agree that should any dispute arise through any aspect of this relationship, the parties shall confer in good faith to promptly resolve any dispute. In the event that the parties are unable to resolve the issue or dispute between them, then the matter shall be mediated and or arbitrated in an attempt to resolve issues between the parties.

8. Complete Agreement: This MOU contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this MOU shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this MOU.

State of Washington

Department of Transportation

Mark Finch, Assistant Director, Multimodal Planning Division

Date

EXECUTED this ____ day of _____, 20__ for the **CITY OF BELLINGHAM** by:

Departmental Approval

Mayor

Director of Public Works

Attest

Approved as to Form

Finance Director

Office of the City Attorney