

ORDINANCE NO. 2006-12-119

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LAND USE REGULATION AND ZONING, ADOPTING A TEXT AMENDMENT IN AREA 3 OF THE HAPPY VALLEY NEIGHBORHOOD ZONING TABLE, SECTION 20.00.09 OF THE BELLINGHAM MUNICIPAL CODE.

WHEREAS, during the 2006 Neighborhood Plan Amendment process for the Happy Valley Neighborhood a discrepancy was found in the Plan language and the Zoning Table for Area 3, and

WHEREAS, The Planning and Community Development Department brought forth a text amendment to correct the discrepancy and implement City Council direction as noted in errata documents from the 2001 Happy Valley Neighborhood Plan update, and

WHEREAS, the Bellingham Planning Commission conducted a public hearing on October 26, 2006, and thereafter made Findings, Conclusions and a Recommendation for adoption of the text amendment, and

WHEREAS, the Bellingham City Council held a public hearing on December 4, 2006 and agrees with and adopts the Planning Commission Findings, Conclusions and Recommendation.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Council adopts the October 26, 2006 Findings of Fact, Conclusions and Recommendation of the Planning Commission as attached in Exhibit A.

Section 2. Area 3 of section 20.00.09 of the Happy Valley Neighborhood Zoning Table is hereby amended as follows:


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

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
3	Residential Multi	Multiple (administered through the planned contract process)	1,000 sq.ft per unit; 10,000 sq.ft. min. lot size for multiple development.	Neighborhood Commercial and Mixed-Use Design Criteria; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; density transfers from 1A to Area 3; scaled transition to single family residential zones; clearing; drainage; freeway buffer	Sanitary sewers; street and sidewalk improvements.	See Attachment 1 - Neighborhood Commercial and Mixed-Use Design Criteria. See Attachment 2 - Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.

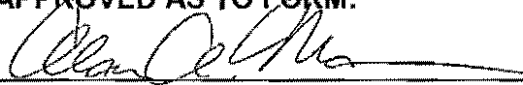
PASSED by the Council this 11th day of December, 2006.


 Council President

APPROVED by me this 14th day of Dec., 2006.


 Mayor

ATTEST: 
 Finance Director

APPROVED AS TO FORM:

 Office of the City Attorney

Published:
 December 15, 2006

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

1 **CITY OF BELLINGHAM PLANNING COMMISSION**
2 **FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**
3 **BASED ON THE OCTOBER 26, 2006 PUBLIC HEARING**

4
5 **Text Amendment to Area 3 Happy Valley Neighborhood Zoning Table**
6 **(BMC20.00.09)**
7
8
9

10 **OVERVIEW**
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13 **SUMMARY**

Consideration of a text amendment to Area 3 of the Happy Valley Neighborhood Zoning Table (BMC 20.00.09). The amendment will correct a discrepancy between language found in the Plan and the Zoning Table and implement the City Council's direction based on errata documents from the 2001 Happy Valley Neighborhood Plan update.

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21 **MAJOR ISSUES**

None.

22
23 **STAFF RECOMMENDATION**

Approval

24
25 **PLANNING COMMISSION**

26 **RECOMMENDATION:**

The Commission voted 4-2 to recommend approval of the proposed text amendment.

1 **BACKGROUND**

2
3 During the 2006 Neighborhood Plan amendment process for the Happy Valley Neighborhood a
4 discrepancy was found in the Plan language and the Zoning Table (BMC20.00.09).

5
6 Specifically, the Plan text for Area 3 notes that multi family development shall be administered
7 through the Planned Contract process and is clearly identified as follows:

8
9 Residential multi-multiple development standards and the design criteria in the
10 Happy Valley Neighborhood zoning section of the Land Use and Development Code
11 shall be administered through the planned contract process. The design criteria in
12 the Happy Valley zoning section of the code shall be used in conjunction with the
13 citywide multifamily design guidelines once they are adopted. Applications for
14 planned development and design review should be processed together. All new
15 nonresidential uses and residential expansions shall require a planned contract.

16
17 Text in the Zoning Table under Use Qualifier for Area 3 states:

18
19 **Use Qualifier** :Multiple (Administered through the planned contract
20 process) until citywide multi family design guidelines are
21 adopted.)

22
23 The Plan language clearly states development shall be administered through the Planned
24 Contract process, however the Zoning Table notes this process is only required "until citywide
25 multi family design guidelines are adopted."

26
27 Based on errata sheets from the City Council work sessions and public hearings for the 2001
28 update to the Happy Valley Neighborhood Plan, the Council's intention was to ensure that a
29 public review process would take place for new multi family projects in the event adoption of the
30 Multi Family Design Guidelines only required administrative approval. The Planned Contract
31 process also ensures pedestrian circulation, specifically sidewalks and street upgrades, is
32 addressed with multi family development and that significant mature vegetation is preserved
33 when feasible and incorporated into site plan design.

34 **PUBLIC HEARING**

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36 On October 26, 2006, the Bellingham Planning Commission held a public hearing regarding this
37 proposal. The Commission listened to staff's testimony. They then closed the public hearing,
38 discussed this proposal and voted 4-2 to recommend approval to the City Council. (See
39 10/26/06 meeting minutes)

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44 **Based upon the written record and public hearing, the Planning Commission**
45 **makes the following findings of fact, conclusions and recommendation.**
46

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2
3 **FINDINGS OF FACT**
4

5 **APPLICANT**

6 City of Bellingham, Planning and Community Development Department.
7

8 **SUMMARY OF PROPOSED TEXT AMENDMENT**
9

10 Amend text in Area 3 of the Happy Valley Neighborhood Zoning Table by deleting "until citywide
11 multi family design guidelines are adopted."
12

13 In the 1982 Happy Valley Neighborhood Plan, Areas 1 and 3 had the same zoning. Changes
14 between these old subarea plans and the 2001 plan were minimal. During Council review of the
15 Happy Valley Neighborhood Plan, the same changes were recommended for Areas 1 and 3 as
16 follows:
17

18 **Area 1A**

19 ~~This zone shall use Residential multi-multiple development standards along with and the~~
20 ~~design criteria herein and shall be administered through the planned contract process. The~~
21 ~~design criteria in this plan shall be used in conjunction with the citywide multi-family design~~
22 ~~guidelines once they are adopted. Applications for planned development and design review~~
23 ~~should be processed together. All new non-residential uses and residential expansions shall~~
24 ~~require a planned contract. The above criteria and process shall be used until such time that~~
25 ~~citywide multi-family design guidelines are adopted, except that the height requirements stated~~
26 ~~herein shall supercede height limits in the citywide guidelines.~~
27

28 **General Use Type:** Residential-Multi

29
30 **Use Qualifier:** Multiple, (administered through the planned contract process until
31 citywide multi-family design guidelines are adopted)
32

33
34 **AREA 3**
35

36 ~~This zone shall use Residential multi-multiple development standards along with and the~~
37 ~~design criteria herein and shall be administered through the planned contract process. The~~
38 ~~design criteria in this plan shall be used in conjunction with the citywide multi-family design~~
39 ~~guidelines once they are adopted. Applications for planned development and design review~~
40 ~~should be processed together. All new non-residential uses and residential expansions shall~~
41 ~~require a Planned Contract. The above criteria and process shall be used until citywide multi-~~
42 ~~family design guidelines are adopted, except that the height requirements stated herein shall~~
43 ~~supercede height limits in the citywide guidelines.~~
44

45 **General Use Type:** Residential-Multi

46
47 **Use Qualifier :** Multiple (Administered through the Planned Contract process until
48 citywide multi-family design guidelines are adopted)
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1
2 The Use Qualifier text in the Zoning Table should read:

3
4 **Use Qualifier** :Multiple (Administered through the planned contract process
5 until citywide multi-family design guidelines are adopted.)
6

7 The struck out language above was to be omitted per the direction of City Council during the
8 2001 update of the Neighborhood Plan. The shortened language is the same as appears in
9 Area 1A. The difference between the two is that the text "...until citywide multi-family design
10 guidelines are adopted)" was not deleted. However, it is clear from the text inserted that the
11 intent was to require the planned contract process to be utilized in each subarea, and the
12 undeleted text in Area 3 was an oversight.
13

14 The proposed text amendment will correct the oversight and clarify City Council's directive to
15 staff. The Planned Contract process ensures pedestrian circulation, specifically sidewalks and
16 street upgrades, is addressed with multi family development and that significant mature
17 vegetation is preserved when feasible and incorporated into site plan design.
18

19 The Planning Commission finds that the text amendment is appropriate and the Zoning Table
20 should be amended.
21

22 Area 3 of the Happy Valley Neighborhood Zoning Table (BMC 20.00.090) is as follows:
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24

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
3	Residen- tial Multi	Multiple (administe- red through the planned contract process) until citywide multi- family design guidelines are adopted)	1,000 sq.ft per unit; 10,000 sq.ft. min. lot size for multiple develop- ment	Neighborhood Commercial and Mixed-Use Design Criteria; Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; density transfers from 1A to Area 3; scaled transition to single family residential zones; clearing; drainage; freeway buffer	Sanitary sewers; street and sidewalk improvements.	See Attachment 1 - Neighborhood Commercial and Mixed- Use Design Criteria. See Attachment 2 - Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.

25
26
27 Based upon the above findings, the Commission makes the following:
28

29 **CONCLUSIONS**

30
31 The text amendment will correct the discrepancy found within the Plan language and the Zoning
32 Table for Area 3 of the Happy Valley Neighborhood.
33

1 The amendment will ensure that the City Council's intentions to require the Planned Contract
2 process is utilized during review of development within Area 3.

3
4 The text amendment is in the communities' best interest and will ensure that a public process is
5 utilized during development review.

6
7 The Planned Contract process ensures pedestrian circulation, specifically sidewalks and street
8 upgrades, is addressed with multi family development and that significant mature vegetation is
9 preserved when feasible and incorporated into site plan design.

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12 From the above Conclusions, the Commission comes to the following:

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14 **RECOMMENDATION TO CITY COUNCIL**

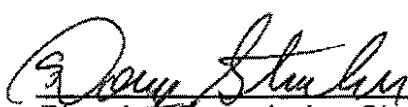
15
16 The proposed text amendment to Area 3 of the Happy Valley Neighborhood Zoning
17 Table should be approved and modified as follows:

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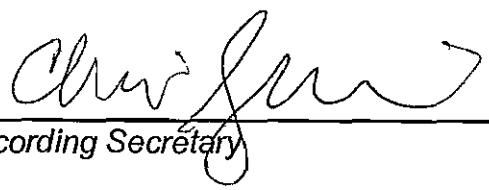
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20
21
22 **MOTION: DOUG STARCHER MOVED TO FORWARD THE TEXT AMENDMENT TO**
23 **THE CITY COUNCIL AS PROPOSED. CHRISTOPHER SAHLIN SECONDED.**
24 **VOTE: 4 – 2 (AUER AND BARRETT, NAY)**

25
26 **ADOPTED** this 29 day of November, 2006.

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31 
32 Planning Commission Chairperson
Vice Chair

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ATTEST: 
Recording Secretary

APPROVED AS TO FORM:

City Attorney