

**ORDINANCE NO. 2006-12-120**

**AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING THE ZONING BOUNDARY LINE BETWEEN AREAS 3 AND 7 OF THE HAPPY VALLEY NEIGHBORHOOD ZONING MAP. THE AMENDMENT CHANGES THE ZONING GENERAL USE TYPE OF APPROXIMATELY 3.5 ACRES FROM RESIDENTIAL SINGLE TO RESIDENTIAL MULTI.**

**WHEREAS**, the City of Bellingham has adopted 23 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Happy Valley Neighborhood Plan, and

**WHEREAS**, the City of Bellingham updated and adopted a new Happy Valley Neighborhood Plan in 2001; and

**WHEREAS**, the City Council adopted the current Comprehensive Plan on June 5<sup>th</sup>, 2006, and

**WHEREAS**, the City has a process to amend the Comprehensive Plan and the Neighborhood Plans once per year in accordance with BMC 20.20. and BMC 21.10.150, and

**WHEREAS**, a letter of request to amend the zoning boundary line between Areas 3 and 7 of the Happy Valley Neighborhood Zoning Map and for a change in General Use Type was submitted to the City on December 9, 2005; and

**WHEREAS**, the City Council held a work session on May 1, 2006 and docketed the request for consideration under the once a year, Neighborhood Plan Amendment review process; and

**WHEREAS**, neighborhood meetings were conducted on August 8, 2006 and October 17, 2006 regarding the Neighborhood Plan Amendment; and

**WHEREAS**, on October 17, 2006, 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**, The Bellingham Planning Commission conducted a public hearing on October 26, 2006 on the proposed Neighborhood Plan Amendment with appropriate public notice provided, and thereafter made Findings, Conclusions and a Recommendation for adoption of the Neighborhood Plan Amendment; and

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

**WHEREAS**, The Bellingham City Council held a public hearing December 4, 2006 and agrees with and adopts the Planning Commission Findings of Fact, Conclusions and Recommendation; and

**WHEREAS**, The City Council finds that the Neighborhood Plan Amendment satisfies the requirements of BMC Chapter 20.20.060 and BMC Chapter 20.19.030, and is consistent with the State Growth Management Act, the Bellingham Comprehensive Plan, and the Happy Valley Neighborhood Plan,

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1.** The zoning boundary line between Areas 3 and 7 of the Happy Valley Neighborhood Zoning Map is hereby amended as shown in Exhibit A.

**Section 2.** The boundary line between Areas 3 and 7 of the Happy Valley Neighborhood Land Use Map is hereby amended as shown in Exhibit B.


**Section 3.** The boundary line adjustment in Section 2 above will change the Comprehensive Plan Land Use Designation of approximately 3.5 acres from Single Family Residential, Low Density to Multi Family Residential, High Density.

**Section 4.** The Council adopts the October 26, 2006 Findings of Fact, Conclusions and Recommendation of the Planning Commission as attached in Exhibit C.

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

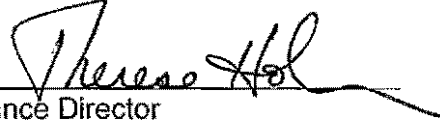
  
\_\_\_\_\_  
Council President

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

  
\_\_\_\_\_  
Mayor

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

ATTEST:

  
Finance Director

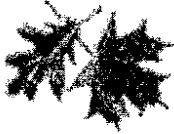
APPROVED AS TO FORM:

  
Office of the City Attorney

Published:

December 15, 2006

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



Linda D  
Anderson/finance/cob  
12/12/2006 10:18 AM

To  
cc  
bcc  
Subject Fw: 12/15/06 Ordinance Publications



"Bel-Legals"  
<BEL-LEGALS@bellingham  
herald.com>  
12/12/2006 09:20 AM

To <LAnderson@cob.org>  
cc  
Subject RE: 12/15/06 Ordinance Publications

**Will run 12/15**

2006-12-118, 2006-12-119, 2006-12-120, 2006-12-121, 2006-12-122, 2006-12-123, 2006-12-124,  
2006-12-125

**Jill Cratsenberg  
Legals & Obituary Coordinator**

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**From:** LAnderson@cob.org [mailto:LAnderson@cob.org]  
**Sent:** Tuesday, December 12, 2006 8:58 AM  
**To:** Bel-Legals  
**Subject:** 12/15/06 Ordinance Publications

Jill,

Please publish the attached ordinances on Friday, December 15, 2006 and confirm publication to  
landerson@cob.org

2006-12-118  
2006-12-119  
2006-12-120  
2006-12-121  
2006-12-122  
2006-12-123  
2006-12-124  
2006-12-125

Thank you!

Linda Anderson  
City Clerk Representative  
Finance Department  
City of Bellingham  
landerson@cob.org  
360/676-6900 x269

**PLEASE PUBLISH, FRIDAY December 15, 2006**

**2006-12-118**

AN ORDINANCE RELATING TO LAND USE PLANNING, REPEALING THE 1982 INSTITUTIONAL MASTER PLAN (IMP) FOR THE CORNWALL PARK NEIGHBORHOOD, AREA 7 ADOPTING A NEW 2006 INSTITUTIONAL MASTER PLAN (IMP) FOR THE CORNWALL PARK NEIGHBORHOOD, AREA 7 AS AN ADDENDUM TO THE CORNWALL PARK NEIGHBORHOOD TABLE OF ZONING REGULATIONS FOR AREA 7

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**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

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**2006-12-120**

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING THE ZONING BOUNDARY LINE BETWEEN AREAS 3 AND 7 OF THE HAPPY VALLEY NEIGHBORHOOD ZONING MAP. THE AMENDMENT CHANGES THE ZONING GENERAL USE TYPE OF APPROXIMATELY 3.5 ACRES FROM RESIDENTIAL SINGLE TO RESIDENTIAL MULTI

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**2006-12-121**

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING LAND USE OF AREA 5 AND ROCK HILL PARK IN THE YORK NEIGHBORHOOD PLAN AND AMENDING THE LAND USE DEVELOPMENT CODE (TITLE 20)

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**2006-12-122**

AN ORDINANCE RELATING TO LAND USE PLANNING AND ZONING, AMENDING BELLINGHAM MUNICIPAL CODE (BMC) SECTIONS BMC 20.12.010.D(6), BMC 20.30.060.C(6), BMC 20.32.060.D(7), BMC 20.34.050.D(5), AND BMC 20.36.050.D(4) TO ALLOW TANDEM PARKING WHEN ENCLOSED WITHIN A STRUCTURE

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**2006-12-123**

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO LAND USE PLANNING AND ZONING, ADOPTING AMENDMENTS TO THE MT. BAKER NEIGHBORHOOD PLAN AND TITLE 20, THE LAND USE AND DEVELOPMENT CODE

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**2006-12-124**

AN ORDINANCE RELATING TO THE 2006 BUDGET AUTHORIZING ADDITIONAL EXPENDITURES IN THE GENERAL FUND FOR PURPOSES OF ADJUSTING THE CITY'S SAVINGS GOAL IN THE AMOUNT OF \$558,521

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**2006-12-125**

AN ORDINANCE RELATING TO THE 2007 BUDGET OF THE CITY OF BELLINGHAM, PROVIDING FOR THE ADOPTION OF SUCH BUDGET PURSUANT TO THE TERMS OF RCW 35.33.075, AND SETTING THE EFFECTIVE DATE

\*\*\*\*\* END \*\*\*\*\*

# HAPPY VALLEY NEIGHBORHOOD ZONING

Legend:

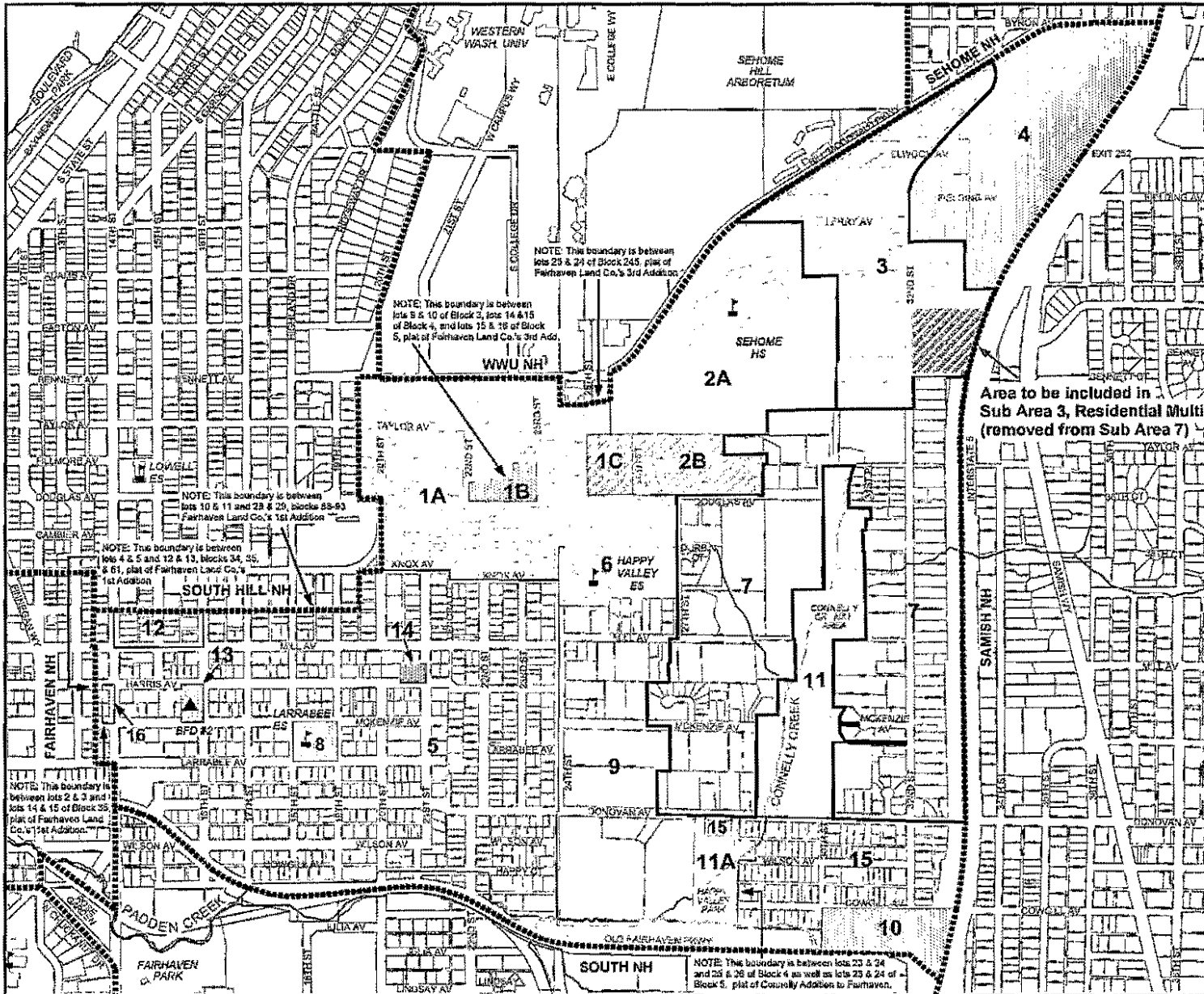
AREA	ZONING DESIGNATION*
1A	Residential Multi
1B	Neighborhood Commercial
1C	Residential Multi
2A	Public
2B	Public/Institutional
3	Residential Multi
4	Planned Commercial
5	Residential Single
6	Public
7	Residential Single
8	Public
9	Residential Single
10	Planned Commercial
11,11A	Public
12	Residential Single
13	Public
14	Neighborhood Commercial
15	Residential Single
16	Residential Single

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



City of Bellingham  
Planning Department  
2006

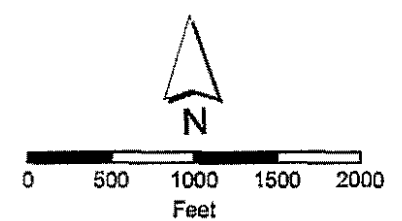
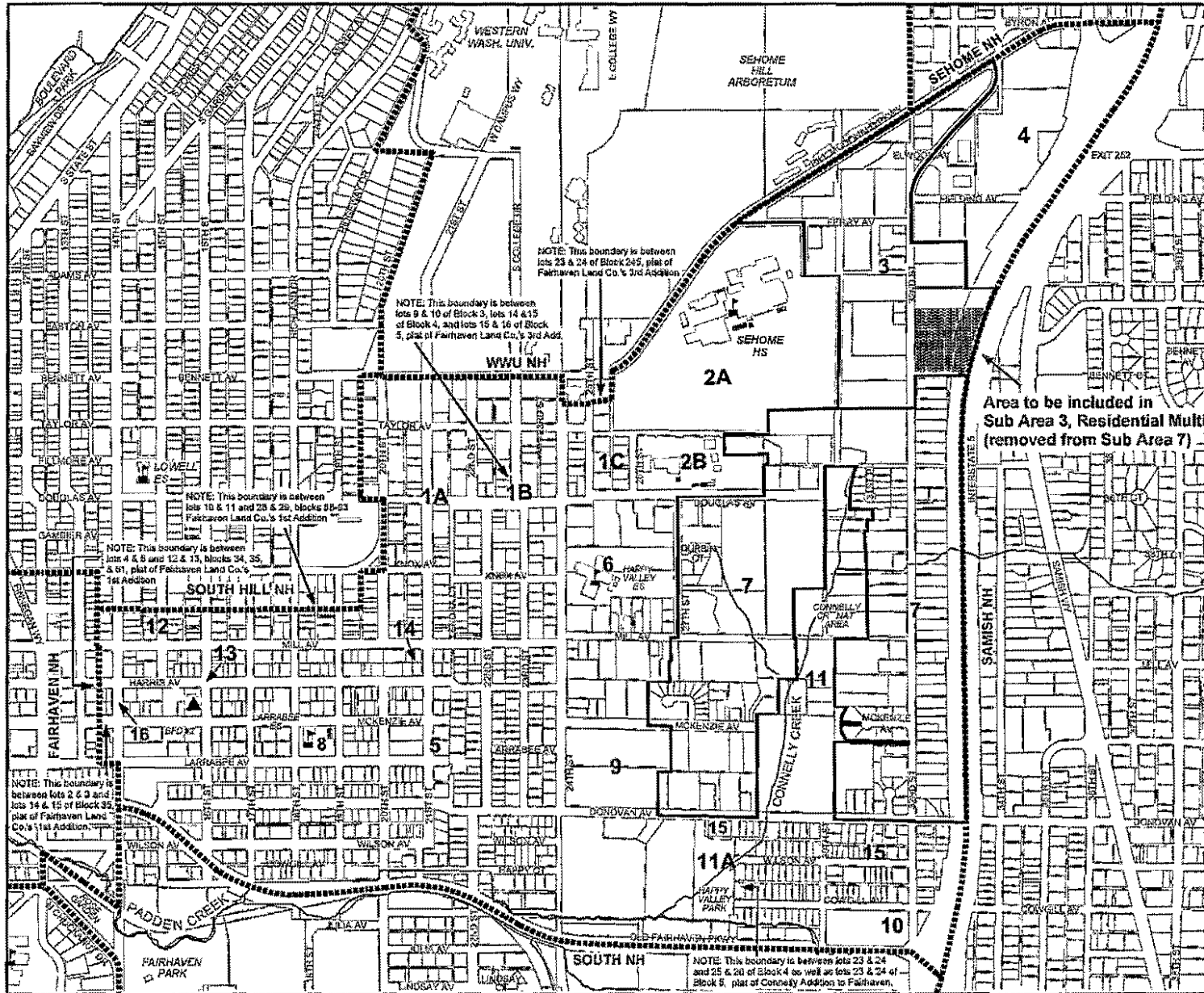
EXHIBIT A



# HAPPY VALLEY NEIGHBORHOOD LAND USE

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1A	Residential Multi, High Density
1B	Commercial
1C	Residential Multi, High Density
2A	Public
2B	Public/Institutional
3	Residential Multi, High Density
4	Commercial
6	Residential Single, Medium Density
6	Public
7	Residential Single, Low Density
8	Public
9	Residential Single, Medium Density
10	Commercial
11	Public
11A	Public
12	Residential Single, Medium Density
13	Public
14	Commercial
15	Residential Single, Medium Density
16	Residential Single, Medium Density



City of Bellingham  
Planning Department  
2006

EXHIBIT B



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

4  
5 Area 7, Happy Valley Neighborhood Plan Amendment (ZON2006-0004)  
6  
7

8 OVERVIEW  
9

10  
11 **SUMMARY**

Consideration of a change in residential general land use classification and density of approximately 3.5 acres within Area 7 of the Happy Valley Neighborhood Plan. The site would be incorporated into abutting Area 3 with identical zoning regulations.

12  
13  
14  
15  
16  
17 **FROM – Residential Single, Detached, Cluster Attached, 15,000 square foot minimum detached lot size; 5,000 square foot minimum cluster lot size.**

18  
19  
20  
21 **TO – Residential Multi, Multiple, (administered through the Planned Contract process) 1,000 sq ft per unit; 10,000 sq ft minimum lot size for multiple development.**  
22  
23  
24  
25

26 **LOCATION**

Generally located on the east side of the 600 and 700 Blocks of 32<sup>nd</sup> Street. (EXHIBIT A)

27  
28 Parcel Numbers: 370306 308376, 320388, 319376, 307408,  
29 319407, and 331382  
30

31 **MAJOR ISSUES**

Increased density, 32<sup>nd</sup> Street, neighborhood compatibility, and environmental features.  
32  
33

34 **STAFF RECOMMENDATION**

Approval  
35

36 **PLANNING COMMISSION**

37 **RECOMMENDATION:**

The Commission voted unanimously (6-0) to recommend approval of the proposed amendment.  
38  
39

1 **BACKGROUND**

2  
3 An initial letter of request for a change in land use classification was submitted to the Planning  
4 Division on 12/9/05. City Council docketed the proposal for consideration under the once a year,  
5 Neighborhood Plan Amendment review process. A neighborhood meeting was held at Sehome  
6 High School on 8/8/06 and formal application was received on 8/28/06.

7  
8 Two community members attended the neighborhood meeting and issues raised included: 32<sup>nd</sup>  
9 Street closure at Old Fairhaven Parkway; protection of a tributary of Connelly Creek; and  
10 buffering of single family homes. The applicant conducted a second non-required meeting on  
11 10/17/06 at which no community members attended.

12  
13 The subject property is comprised of six parcels and is approximately 3.5 acres. The property is  
14 owned by multiple parties and 5 of the parcels are developed with single family homes. The  
15 parcels range in size from approximately 14,000 square feet to 53,000 square feet.

16  
17 A rezone request for a portion of the amendment area was reviewed during the 2001 Happy  
18 Valley Neighborhood Plan update process. The proposal was not supported by the City Council  
19 at the time as there was not full consensus of all property owners north of the Bennett Avenue  
20 right-of-way. All property owners north of Bennett Avenue are now in full support and have  
21 signed the proposed amendment. Environmental features, existing single family residences and  
22 build-out potential of other subareas in the neighborhood were also considered. However, it was  
23 noted that the area could be considered for future expansion of Area 3.

24  
25 Since the 2001 Neighborhood Plan update, the Bellingham Comprehensive Plan has been  
26 updated and new population projections have been adopted for the city and its urban growth  
27 area. The 20-year projected population growth of 31,601 new residents results in a demand for  
28 approximately 16,000 new dwelling units.

29  
30 **VICINITY USES AND ZONING**

31 North: The boundary between subareas 3 and 7 forms the northern border of the proposal. A  
32 property line delineates this separation and does not provide a buffer or transition  
33 between high density multi family and low density single family uses. The area is  
34 developed with multiple apartment buildings and the Viking Plaza commercial center is  
35 approximately 550 feet away. The larger Sehome Village is also located nearby.

36  
37 West: 32<sup>nd</sup> Street borders the amendment area and is the zone boundary between subareas 3  
38 and 7 of the Happy Valley Neighborhood. High density multi-family development is  
39 located on the western side of 32<sup>nd</sup> Street, including a 144-unit condominium project  
40 currently under construction and an assisted living facility. This area is primarily built out  
41 with the exception of two 8,600 square foot parcels.

42  
43 East: Interstate 5 provides a natural boundary between the Happy Valley and Samish  
44 Neighborhoods. The right-of-way generally follows a ridge and the land slopes westward  
45 from I-5 towards 32<sup>nd</sup> Street.

46  
47 South: Undeveloped Bennett Ave completes the southern boundary of the amendment area.  
48 This right-of-way (ROW) provides a logical zone boundary and would increase the  
49 current transition area between single and multi family uses. The single family

1 residences located in this area are a mixture of rental and owner occupied units with  
2 limited ability for further subdivision. Joe's Garden is also located to the south on the  
3 eastern side of 32<sup>nd</sup> Street.  
4

#### 5 **DENSITY CONSIDERATIONS**

6

7 City records indicate the site contains approximately 3.5 acres, or enough base density for 10  
8 single family cluster lots under current zoning. The cluster zoning provision allows for a density  
9 bonus up to 50% and additional units could be built if specific criteria were met.

10  
11 If the requested rezone of 1 unit per 1,000 sq ft were approved, up to 152 residential units could  
12 potentially be constructed. This density would be consistent with development located directly to  
13 the west and north of the amendment area. However, due to environmental features on the site  
14 and without total lot consolidation it is highly unlikely that this density could be achieved. This  
15 potential reduction in units would soften the existing severe transition between Areas 3 and 7.  
16

17 Conditions in the vicinity have changed since the 2001 Happy Valley Neighborhood Plan  
18 update. A medium density, 42-unit care center located to the west of the area was demolished  
19 in 2005 and a high density (144-unit) condominium project is under construction in its place.  
20

21 The Bellingham Comprehensive Plan and associated land supply forecasts have been updated.  
22 The City has adopted a new Critical Areas Ordinance intended to ensure environmental  
23 features are preserved during development and Multi Family Design Review Guidelines and  
24 procedures have been implemented. These codes and guiding documents have been adopted  
25 to protect public health, safety and the general welfare of the community and were not in place  
26 during the 2001 Plan update.  
27

28 Guiding principles of both the Growth Management Act and the Bellingham Comprehensive  
29 Plan encourage urban development in appropriate areas through efficient use of land. The  
30 property is located on three Whatcom Transit Authority (WTA) bus routes, including a covered  
31 shelter / stop directly in front of the site, it is within walking distance to commercial uses, schools  
32 are within close proximity and infrastructure contains the capacities for future growth in this  
33 area.  
34

#### 35 **INFRASTRUCTURE**

36

37 32<sup>nd</sup> Street is designated as a secondary arterial and is improved with sidewalks on both sides  
38 along the site area and along the majority of the street. In 1985, the street was widened to 40  
39 feet just north of Joe's Garden and 34 feet south to Old Fairhaven Parkway. 32<sup>nd</sup> Street was  
40 realigned and constructed in 1997 between Fielding Avenue and Bill McDonald Parkway to  
41 eliminate capacity problems associated with Fielding Avenue. The street was also included in  
42 the 2002 citywide Street Overlay Program.  
43

44 32<sup>nd</sup> Street was recently closed at Old Fairhaven Parkway due to safety concerns of the  
45 proximity to I-5 on and off ramps and as a result of a proposed Washington State Transportation  
46 project to install signalization of the southbound ramps. 32<sup>nd</sup> Street was declassified as an  
47 arterial south of Donovan Avenue, which was recently improved to  $\frac{3}{4}$  of an urban arterial  
48 standard. Improvements to 30<sup>th</sup> Street were also completed in order to realign the north / south  
49 corridor previously provided by 32<sup>nd</sup> Street.  
50

1 All new development would be subject to transportation impact fees as well as review under  
2 transportation concurrency to ensure levels of service are not reduced beyond adopted peak  
3 hour operation capacities. Due to the site location in relation to commercial facilities, residents  
4 may opt to walk to services and reduce potential traffic increases.

5  
6 Bellingham's South Pressure Zone serves the neighborhood with domestic water and fire  
7 capacities through a system of transmission mains and lateral pipes dating back to 1920. The  
8 systems are in good condition. A 1967 constructed 24" water main is located within the 32<sup>nd</sup>  
9 Street ROW and would provide service to new development.

10  
11 The sanitary sewer systems serving the neighborhood are in fair to good condition and continue  
12 to provide the necessary capacities for future growth in this area of Bellingham. A 1970  
13 constructed 24" sewer main is located within the 32<sup>nd</sup> Street ROW and would provide service to  
14 new development.

15  
16 Stormwater lines are located within the 32<sup>nd</sup> Street ROW and drainage flows to the Happy  
17 Valley Detention Facility on Connelly Creek (located in the Connelly Creek Nature Area). During  
18 the 1985 32<sup>nd</sup> Street improvements, upgrades to the stormwater systems were also done.

19  
20 **WETLANDS & STREAMS**

21  
22 A small wetland and tributary of Connelly Creek are located within a portion of the northern two  
23 lots. The wetland and creek corridor have been preserved in perpetuity via a Conservation  
24 Easement associated with a 2005 short subdivision. According to a critical area reconnaissance  
25 performed by Northwest Wetlands Consulting LLC and Department of Natural Resources  
26 stream mapping the tributary is a non-fish bearing stream. The reconnaissance also found no  
27 conclusive wetland features in the remaining study area at this time.

28  
29 Protection of environmentally sensitive areas is a common goal found in both the  
30 Comprehensive Plan and the Neighborhood Plan. The Critical Areas Ordinance will require a  
31 more detailed environmental report prior to specific development of the amendment area. The  
32 Ordinance was adopted in 2005 and would provide protection of any environmental features  
33 that may exist in the area. Enhanced buffer areas and conservation easements may be required  
34 prior to development.

35 **PUBLIC HEARING**

36  
37 On October 26, 2006, the Bellingham Planning Commission held a public hearing regarding this  
38 proposal. The Commission listened to the applicant's testimony as well as testimony from one  
39 member of the neighborhood. They then closed the public hearing, discussed this proposal and  
40 voted unanimously to recommend approval to the City Council. (See 10/26/06 hearing minutes)  
41 Planning Commission members voiced strong concern about the further southern  
42 encroachment of multi family zoning into single family areas along 32<sup>nd</sup> Street. It was  
43 unanimously noted that the Bennett Avenue right-of-way should be the final dividing line  
44 between multi family and single family zoning designations on 32<sup>nd</sup> Street.

1  
2  
3 **Based upon the written record and public hearing, the Planning Commission**  
4 **makes the following findings of fact, conclusions and recommendation.**  
5

6 **FINDINGS OF FACT**  
7

8 **APPLICANT**

9 Charles and Maria Swift, Lanhunt LLC, 35<sup>th</sup> Street Properties LLC, David and Bonita Ebenal,  
10 and Roberta Cross. Contact: Robert Carmichael.  
11

12 **PROPOSED NEIGHBORHOOD PLAN AMENDMENT**  
13

14 Amend the zoning boundary line between Areas 3 and 7 of the Happy Valley Neighborhood  
15 Plan. The proposal will incorporate approximately 3.5 acres of Area 7 into the abutting Area 3  
16 and change the existing zoning **from Residential, Single, Detached, Cluster Attached to**  
17 **Residential Multi, Multiple (administered through the Planned Contract process),** and change  
18 the existing 15,000 sq ft min. detached lot size; 5,000 sq ft min. cluster lot size to 1,000 sq ft per  
19 unit; 10,000 sq ft min. lot size for multiple development.  
20

21 Existing Zoning: Happy Valley Neighborhood  
22

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
7	Residential Single	Detached Cluster Attached	15,000 sq.ft. min. detached lot size; 5,000 sq.ft. min. cluster lot size	Floodplain, stream setbacks; clearing; buffer along Connelly Creek wildlife habitat corridor, I-5 and boundary of Area 3	Sanitary sewer	The WWU compost facility on the north side of Douglas Ave. (Lot 1, Rehder Short Plat may continue to operate as a permitted use as long as the use complies with the following criteria: 1) the site continues to be screened from adjacent residentially zoned properties; 2) no mechanical chipping, shredding, or other noise generating uses occur on the site; 3) the use is not expanded further into Area 7; and 4) no other WWU uses, other than those allowed by the underlying zoning, are allowed on this property.

Proposed Zoning: Happy Valley Neighborhood

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.

**NEIGHBORHOOD PLAN AMENDMENT CRITERIA**

In evaluating proposed changes to neighborhood plans, the Planning Commission and City Council should consider the following criteria:

**1) Is the proposed amendment to the neighborhood plan supported by or consistent with the existing goals and policies of the comprehensive plan and the Growth Management Act?**

The proposed amendment is consistent with and supported by the goals and policies of the Comprehensive Plan (see Exhibit C of Planning Commission Staff Report) and the Growth Management Act. It promotes the efficient use of land in an urban area and encourages infill development that is compatible with the existing neighborhood character. It provides for infill housing opportunities and assists the City in accommodating its projected population growth estimates.

**2) Have circumstances related to the subject property and the area in which it is located changed sufficiently since the adoption of the relevant neighborhood plan to justify the proposed change?**

Circumstances have changed since the 2001 Happy Valley Neighborhood Plan was adopted. The Bellingham Comprehensive Plan and associated land supply forecasts have been updated. The City has adopted a new Critical Areas Ordinance intended to ensure environmental features are preserved and Multi Family Design Review Guidelines and procedures have been implemented. A 42-unit adult care center located directly to the west of the area has been demolished and a high density (144-unit) condominium project is under construction in its place.

**3) Have the underlying assumptions found in the neighborhood plan upon which the land use designation, use qualifier, density or other provisions are based changed, or is new information available which was not considered at the time the neighborhood plan was adopted?**

1 See answer to criteria number 2. During the 2001 Happy Valley Neighborhood Plan update, a  
2 portion of this area was considered for rezone. The request was denied as all property owners  
3 in the surrounding area did not support the rezone and potential environmental features were  
4 noted on site. However, it was also noted that the area could be considered for future expansion  
5 of Area 3.  
6

7 Since the 2001 update, an on-site wetland and tributary of Connelly Creek have been preserved  
8 in perpetuity via a conservation easement and new environmental regulations have been  
9 adopted. Full consensus of all property owners of the subject area has been obtained and all  
10 have signed the proposed amendment.

11 **4) Does the proposed amendment promote a more desirable land use pattern for the**  
12 **community as stated in the goals and policies in the comprehensive plan? Are there**  
13 **environmental constraints present on the site to such a degree that development of the**  
14 **site is economically or physically unfeasible under the existing zoning?**

15  
16 The proposed change to the neighborhood plan would promote a more desirable land use  
17 pattern for the community. The amendment is comparable with the surrounding built  
18 environment and promotes urban densities near urban amenities.  
19

20 Known environmental features on the site have been preserved and new regulations will ensure  
21 potential additional features are protected. The environmental constraints of the property do not  
22 render development unfeasible under the existing or proposed zoning.  
23

24 **5) What impacts would the proposed amendment to the plan have on the current use of**  
25 **other properties in the vicinity? What measures should be taken to ensure compatibility**  
26 **with the uses of other property in the area?**

27  
28 The proposed amendment will be consistent with surrounding properties. The amendment will  
29 allow high density infill development to occur within walking distance to commercial facilities and  
30 transit services. Existing multi family design review regulations will ensure new development is  
31 compatible with the characteristics and uses of other property in the area. Planning  
32 Commissioners noted that the expansion of Area 3 southward along 32<sup>nd</sup> Street should have a  
33 definitive "line in the sand." Commissioners agreed the Bennett Avenue right-of-way should be  
34 this line.  
35

## 36 **REZONE AMENDMENT CRITERIA**

37  
38 In evaluating proposed rezones, the Planning Commission and City Council should consider the  
39 following criteria:  
40

41 **1) It is consistent with the comprehensive plan or corresponds to a concurrent**  
42 **comprehensive plan amendment application**

43 The proposed amendment is consistent with the Comprehensive Plan and corresponds to a  
44 neighborhood plan amendment application. The rezone meets the adopted criteria for  
45 neighborhood plan amendments (see above statements of fact).  
46  
47

1 **2) The proposed rezone will not adversely affect the public health, safety and general**  
2 **welfare.**

3 Development of the area will be reviewed under the Bellingham Municipal Code and  
4 International Building Codes. These codes have been enacted in order to ensure public health  
5 and safety.

6 **3) It is in the best interests of the residents of Bellingham.**

7 The proposal would allow for appropriate infill development and implementation of the  
8 Comprehensive Plan, which promotes development strategies with Bellingham citizen's best  
9 interests at the forefront. It promotes infill that preserves not only the Happy Valley  
10 Neighborhood character but also the character of all Bellingham neighborhoods while achieving  
11 the infill and housing goals of the Growth Management Act.

12  
13 **4) The subject property is suitable for development in general conformance with zoning**  
14 **standards under the proposed zoning district.**

15  
16 Though wetlands and a tributary of Connelly Creek are located on a portion of the site it is  
17 suitable for multi family development. Additional review of development projects under the  
18 provisions of the Multi Family Design Review Guidelines, the Happy Valley Neighborhood Plan  
19 and the Critical Areas Ordinance will ensure that new development is done in accordance with  
20 environmental and other development regulations and policies. Variances from standard  
21 development requirements should not be required in order for construction.

22  
23 **5) Adequate public facilities and services are, or would be, available to serve the**  
24 **development allowed by the proposed zone.**

25  
26 Adequate public facilities and services are in place or will be upgraded through concurrency  
27 review and payment of impact fees at the time of development. The property is located on a  
28 transit corridor and near commercial facilities, both of which are needed for successful high  
29 density development.

30  
31 **6) It will not be materially detrimental to uses or property in the immediate vicinity of the**  
32 **subject property; and**

33  
34 ***It is appropriate because either:***

35  
36 ***(a) Conditions in the immediate vicinity have changed sufficiently since***  
37 ***the property was classified under the current zoning that a rezone is in the***  
38 ***public interest; or***

39  
40 ***(b) The rezone will correct a zone classification or zone boundary that***  
41 ***was inappropriate when established; or***

42  
43 ***(c) The rezone will implement the policies of the comprehensive plan.***

44  
45 The rezone will not be detrimental to property in the area, in fact it will reflect the existing uses  
46 of adjacent property. It will be consistent with surrounding development densities and the  
47 property is suitable for development under the proposed zoning.



1 As found in earlier sections, the rezone is appropriate as conditions in the vicinity have changed  
2 since the property was zoned in 2001. New goals, policies and codes have been adopted since  
3 the Happy Valley Neighborhood Plan was updated.

4  
5 The proposed rezone is consistent with the Comprehensive Plan. It promotes the efficient use of  
6 land through infill that reflects and protects the character of the existing neighborhood. It is near  
7 commercial facilities and located on a designated transit corridor. The rezone is appropriate and  
8 it will allow the city to accommodate a portion of the projected demand for future dwelling units.

9  
10 The proposed rezone allows high density development in an urban area and is consistent with  
11 GMA goals to: manage growth; encourage infill; discourage sprawl; provide a range of housing  
12 opportunities; and protect the natural environment (habitat).

13  
14 Based upon the above findings, the Commission makes the following:

### 15 **CONCLUSIONS**

16  
17 The 1990 Growth Management Act mandates that the City reduce sprawl and provide housing  
18 opportunities for an estimated projected population increase. The City's preferred way of  
19 accommodating growth, as established in the Comprehensive Plan, is to emphasize infill while  
20 retaining a compact form.

21  
22 The proposal is consistent with the Comprehensive Plan. It promotes the efficient use of  
23 property in an urban area and is compatible with the overall style and character of the  
24 established neighborhood. Property directly to the west and north of the amendment area are  
25 currently zoned and developed with high density multi family uses. Based on development  
26 projections of the area, right-of-way locations and possible environmental features, the  
27 amendment would provide a more suitable transition between existing zoning boundaries.

28  
29 The proposed amendment to the neighborhood plan is consistent with the review criteria in  
30 BMC 20.20.060 and BMC 20.19.030. The proposal will allow for appropriate development and  
31 implementation of the Comprehensive Plan and the Goals and Policies of the Happy Valley  
32 Neighborhood Plan. It provides for infill housing opportunities and assists the City in  
33 accommodating its projected population growth estimates. The amendment promotes urban  
34 growth in an area that is close to urban amenities including; commercial facilities within walking  
35 distance, open space / recreational opportunities, schools, transit services and the infrastructure  
36 is in place to accommodate the growth.

37  
38 The Planning Commission concludes that the proposed amendment bears a substantial relation  
39 to public health, safety and welfare. The amendment is consistent with the Growth Management  
40 Act and the countywide planning policies. The comprehensive plan will be internally consistent  
41 and the proposed amendment will result in long-term benefits to the community as a whole and  
42 is in the best interest of the community.

43  
44 From the above Conclusions, the Commission comes to the following:

### 45 **RECOMMENDATION TO CITY COUNCIL**

46  
47  
48 The request for a Neighborhood Plan Amendment to Area 7 of the Happy Valley Neighborhood  
49 should be approved. The zoning boundary line between Areas 3 and 7 shall be adjusted as

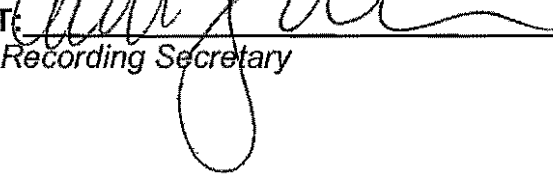
1 proposed and the subject site shall be incorporated into Area 3 and be zoned *Residential Multi,*  
2 *Multiple (administered through the Planned Contract process), 1,000 sq ft per unit; 10,000 sq ft*  
3 *min. lot size for multiple development.*

4  
5 **MOTION: DAVID AUER MOVED TO APPROVE THE REZONE AS PRESENTED IN**  
6 **THE STAFF REPORT. DOUG STARCHER SECONDED.**


7  
8 **VOTE: ALL AYES.**

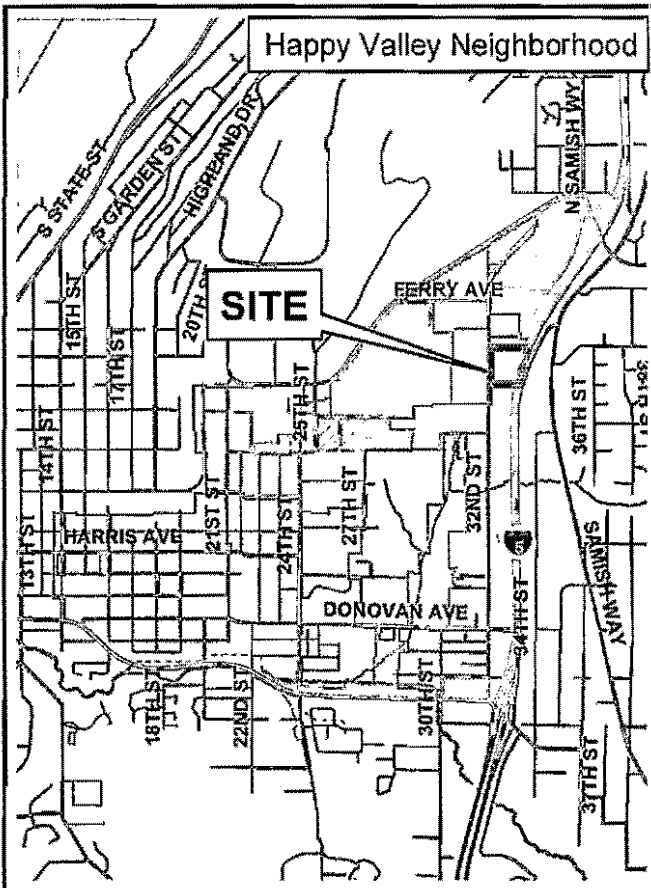
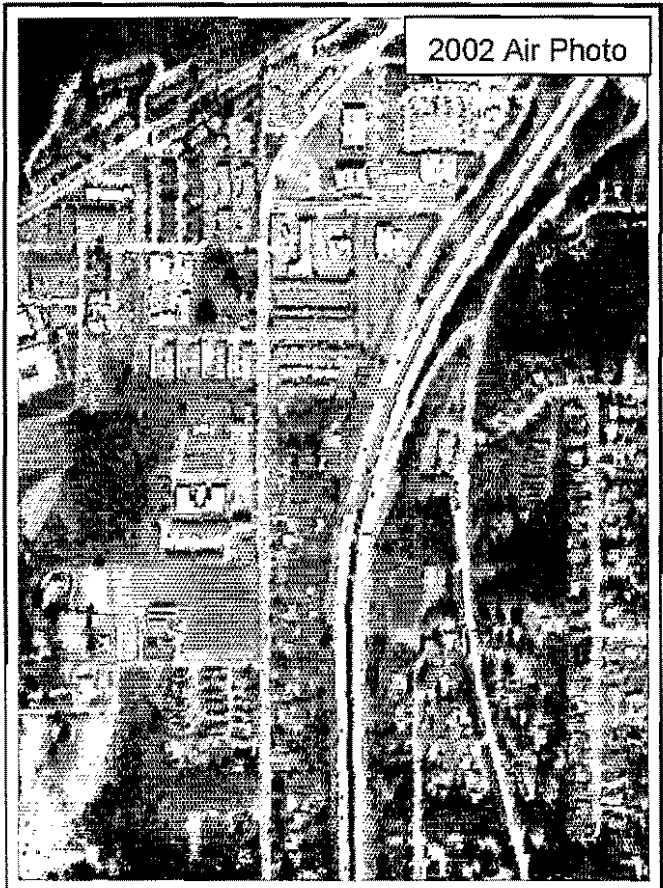
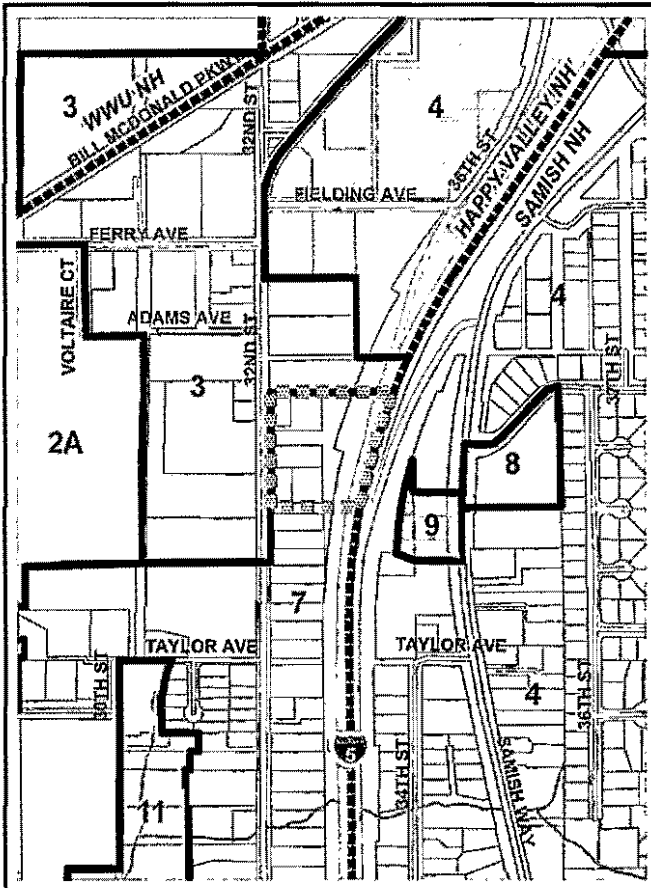
9  
10 **ADOPTED** this 29 day of November, 2006.

11  
12  
13  
14   
15 \_\_\_\_\_  
16 *Planning Commission Chairperson*  
17 *Vice Chair*

18  
19  
20 **ATTEST:**   
21 \_\_\_\_\_  
22 *Recording Secretary*

23  
24  
25  
26 **APPROVED AS TO FORM:**

27   
28 \_\_\_\_\_  
29 *City Attorney*



**General Use Type**

	Residential Single		Indust./Res. Multi
	Residential Multi		Indust./Waterfront Mixed-Use
	Res. Single/Res. Multi		Institutional
	Commercial		Institutional/Res. Multi
	Commercial/Industrial		Public
	Comm./Indust./Res Multi		Public/Institutional
	Industrial		Public/Waterfront Mixed-Use

## Happy Valley Neighborhood Area 7

Change from Residential Single to Residential Multi

2006 Neighborhood Plan Amendment/Rezone Process



City of Bellingham  
Planning & Community Development  
2006