

**AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO BELLINGHAM'S
COMPREHENSIVE PLAN AND ZONING, AMENDING THE HAPPY VALLEY
NEIGHBORHOOD PLAN AND TITLE 20 LAND USE AND DEVELOPMENT CODE, HAPPY
VALLEY NEIGHBORHOOD TABLE OF ZONING REGULATIONS**

WHEREAS, the City of Bellingham has adopted 24 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Happy Valley Neighborhood Plan; and

WHEREAS, the City has a process to amend the comprehensive plan and the neighborhood plans once per year in accordance with BMC 20.20.060 and BMC 21.10.150; and

WHEREAS, in November 2009, the City of Bellingham received a request from Western Washington University (WWU) to amend the land use and zoning designations of their property located in Area 1C of the Happy Valley Hill Neighborhood Plan; and

WHEREAS, in March 2010 the City Council docketed the neighborhood plan amendment for review in 2010; and

WHEREAS, the proposed Comprehensive Plan amendment and rezone of Area 1C of the Happy Valley Neighborhood Plan would change the land use and zoning designations of the property from Multifamily Residential, High Density to Institutional; and

WHEREAS, on March 16, 2010 WWU held a neighborhood meeting regarding their proposed Comprehensive Plan amendment and rezone; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a Determination of Non-significance was issued on July 28, 2010; and

WHEREAS, the Bellingham Planning Commission held a properly noticed public hearing on August 19, 2010, and determined that the proposed Comprehensive Plan amendment and rezone are consistent with the review criteria found in BMC 20.20.060 and complies with, and will implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the Bellingham Planning Commission recommended approval of the proposed amendments to the Happy Valley Neighborhood Plan and rezone of Area 1C; and

WHEREAS, the Bellingham City Council held a public hearing on September 27, 2010 to consider the proposed amendments; and

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Happy Valley Neighborhood Plan Amendment Area 1C

(1)

1 **WHEREAS**, the Bellingham City Council agrees with and hereby adopts the Findings of Fact,
2 Conclusions and Recommendations of the Bellingham Planning Commission.
3

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

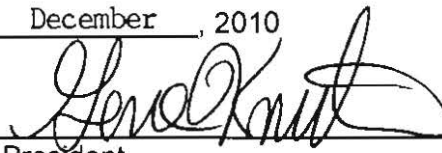
5
6 **Section 1.** Chapter VIII of the Happy Valley Neighborhood Plan is hereby amended as
7 shown in **Exhibit A**.
8

9 **Section 2.** The Happy Valley Neighborhood Zoning Map is amended as shown in **Exhibit**
10 **B**.
11


12 **Section 3.** BMC 20.00.090 Happy Valley Table of Zoning Regulations is amended as
13 shown in **Exhibit C**.
14

15 **Section 4.** The Happy Valley Neighborhood Land Use Map is amended as shown in
16 **Exhibit D**.
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18 **PASSED** by the Council this 13th day of December, 2010

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20 
21 _____
22 Council President

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24 **APPROVED** by me this 10th day of December, 2010

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26 
27 _____
28 Mayor

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31 **ATTEST:** 
32 _____
33 Finance Director

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36 **APPROVED AS TO FORM:**

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39 _____
40 Office of the City Attorney

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43 **Published:** December 17, 2010

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Happy Valley Neighborhood Plan Amendment Area 1C

EXHIBIT A

CHAPTER VIII. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

Areas 1A, 1B, 1C, 2B & 3 Narrative

This section contains an introduction to the specific design and development criteria for the five listed subareas listed above and in the Happy Valley zoning section of the Land Use and Development Code. Note that the criteria applicable to the WWU Physical Plant (Area 2B) and the block west of the Physical Plant (Area 1C) are also included in the WWU Institutional Master Plan (IMP). The reader interested in a complete review of the type and manner of institutional development that can occur in these areas should consult the IMP.

Introduction

The five subareas include approximately 160-acres located south and east of Western Washington University. They include many densely developed apartment complexes, a neighborhood commercial zone, Sehome High School, and WWU's Physical Plant. Areas 1A, 1B, 1C & 3 were rezoned to high-density multi-family residential in 1982. Many multi-family residential buildings have been built since that time. Few single family residences were preserved during this development. There are no commercial services or activities offered in these subareas as of 2001. Update note: WWU purchased the block contained in Area 1C, and the zoning was changed to Institutional in 2010

New development in the last two decades has most often been designed under the minimum standards of Bellingham's Land Use Development Ordinance. No protest agreements for Local Improvement Districts (LIDs) often accompanied these projects, allowing developers to forgo construction of street and pedestrian improvements until such time that adjacent properties developed. This practice has resulted in the development of few pedestrian amenities such as sidewalks, street trees and street lights in one of the most densely developed areas of Bellingham.

The new designations of these subareas are intended to create a more functional urban environment. Design criteria in the Land Use and Development Code will set the tone for a livable area that also preserves the underlying density and maintains the character of the neighborhood.

Areas 1A and 1B [Unchanged]

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2 **Area 1C**

3 Area 1C consists of the block west of the WWU Physical Plant bounded by 25th Street,
4 (vacated) 26th Street, Taylor and Douglas Avenues. It was originally designated for high
5 density residential development as a part of Area 1A.

6 WWU now owns the property and it was rezoned to Institutional in 2010, to allow
7 University support services. Permitted uses should be limited to student activities,
8 residential, or non-industrial support uses as defined in the Institutional Master Plan (see
9 WWU IMP, District 22).

10 See Areas 1A, 1B, 1C, 2B & 3 Design and Development Criteria in the Happy Valley
11 Neighborhood zoning section of the Land Use and Development Code for specific
12 requirements applicable to Area 1C.

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14 **AREA 1C LAND USE DESIGNATION: INSTITUTIONAL**

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16
17 **Areas 2A through 16** [Unchanged]
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19
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EXHIBIT B

**Happy Valley Neighborhood Plan
Land Use Map**

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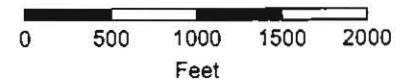
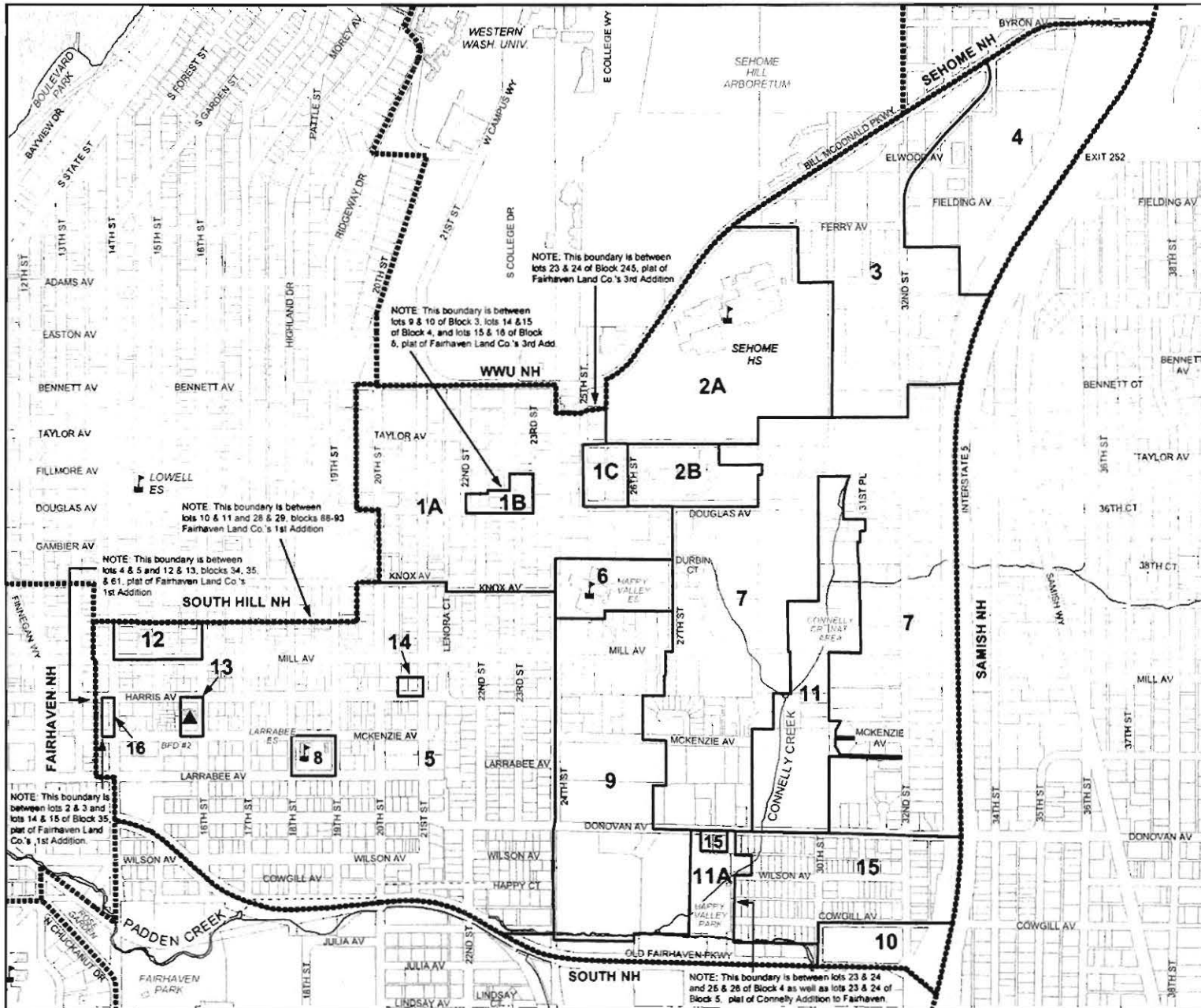
Happy Valley Neighborhood Plan Amendment Area 1C

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HAPPY VALLEY NEIGHBORHOOD LAND USE

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1A	Residential Multi, High Density
1B	Commercial
1C	Institutional
2A	Public
2B	Public/Institutional
3	Residential Multi, High Density
4	Commercial
5	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



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Planning Department
2010

EXHIBIT C

B. Happy Valley Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1C	Institutional	As specified in the WWU Institutional Master Plan	None	Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria; clearing; drainage	Sanitary sewers; street and sidewalk improvements.	See Attachment 2: Areas 1A, 1B, 1C, 2B and 3 Design and Development Criteria.

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ATTACHMENT 1
Neighborhood Commercial and Mixed Use Design Criteria for Areas 1A, 1B, 3, 14

Areas:

1A
1B
3
14

1. Use Criteria

- a. Buildings and public spaces should be located immediately adjacent to the public sidewalk. Underlying required yards may be reduced to accomplish this.
- b. Commercial uses shall be limited to the street level or a designated pedestrian corridor.
- c. The maximum street frontage for any one commercial use is 60 feet. For street corner uses, only one street frontage may exceed 50 feet.
- d. Residential uses shall be provided in conjunction with commercial uses at a minimum ratio of 0.8 sq. ft. of residential floor space to 1 sq. ft. of commercial floor space.
- e. Required Type A accessible dwelling units may be located at ground level to satisfy Americans With Disabilities Act requirements.
- f. Commercial development of the site shall be pedestrian in scale with windows and entries adjacent to the street or pedestrian corridor.
- g. Drive-through establishments are prohibited.
- h. A restaurant may include licensed provision of alcohol beverages for consumption on the premises when accessory to such food service.
- i. Further limitations on uses are addressed within the applicable subarea descriptions.

2. Parking and access

- a. In order to encourage transit related and affordable housing in mixed-use (commercial-residential) developments, shared parking may be approved if required parking for the greater of either all residential or all commercial uses is met.
- b. Improved on street parking adjacent to the property may be counted toward on-site parking requirements provided all required parking for residential uses is improved on site.
- c. Parking should not be required for public open space such as a plaza or outdoor seating for a café.
- d. Open parking spaces that use an alley for maneuvering shall be exempt from any required yard along the alley property line.

3. Signage and Lighting

- a. Signage facing residential areas is limited to 16 sq. ft. per use frontage, which may be indirectly lighted during business hours.
- b. Signage should be oriented toward pedestrians, not automobiles.
- c. Free-standing pole signs are prohibited.
- d. Moving, blinking, changeable type, and internally illuminated signs are prohibited.
- e. Lighting should be minimized. It should be placed for safety reasons. Private lighting should

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Happy Valley Neighborhood Plan Amendment Area 1C

(7)

not shine directly onto adjacent property.

Area

ATTACHMENT 2
Design and Development Criteria for Areas 1A, 1B, 1C, 2B, 3

1A
1B
1C
2B
3

Design and Development Criteria

The following specific criteria are intended to encourage development that reflects and enhances the desired character of the Happy Valley Neighborhood as stated herein. These criteria are in addition to the general criteria found in Section VII of this plan and the citywide multi-family design guidelines currently being developed.

Once adopted, the citywide guidelines shall be used in addition to the design criteria contained in this plan. The review of a planned contract application and the design review process should occur simultaneously whenever possible.

A. Streets and Transportation

Street improvements should be required as development occurs. New developments should improve their side of all abutting streets with curbs, gutters, utility conduit, lights, and sidewalks with street trees. If appropriate as determined by the Public Works Department, street improvements should be extended to the nearest street that is improved to similar standards.

The City will work in collaboration with the neighborhood, WWU, and property owners to improve streets in front of developed properties through LIDs, grants or other financing methods.

Vehicular access to new development may be limited to alleys if street construction would infringe upon a stream or designated open space corridor.

B. Open Space Corridors (See Section III)

1. The length of 23rd Street north of Douglas Avenue to Bill McDonald Parkway should remain unimproved and retained for open space, stream restoration, and trail purposes. Parking lots should not abut this open space.
2. The open space tracts along the east side of Sehome High School's play fields and WWU's Physical Plant should be retained to the greatest extent possible as a wildlife habitat corridor between the Sehome Hill Arboretum and Connelly Creek Nature Area.

C. Residential Density Transfers

The previous zoning required a minimum lot size of 10,000 sq. ft. for multi-family development. In some cases, this helped create "remnant lots" which are vacant or single-family lots under 10,000 sq. ft. and between developed multi-family properties. It is difficult for these lots to acquire the additional land needed to redevelop. Houses on remnant lots surrounded by high-density uses can be less desirable and too expensive to maintain as a quality rental unit.

Density transfers should be allowed as an option to get some value from remnant lots. Density transfers could preserve open space and help ensure that residential density is

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Happy Valley Neighborhood Plan Amendment Area 1C

(8)

maintained.

Upon the Planning Director's approval of a Planned Contract on a receiving property, densities may be transferred within Area 1A and from Area 1A to Area 3. Densities may only be transferred from remnant lots. Density transfers shall comply with the following guidelines:

- Density transfers shall be recorded by covenants on sending and receiving properties.
- A maximum of 1 dwelling unit may be transferred for each 1,000 sq. ft. of land. Fractions shall be rounded to the next lower whole number.
- Density transfers are intended to make land available for non-residential uses such as parks and to provide open space.
- In this process, all density shall be transferred, including the removal of any existing residences. The vacant property shall be acquired by the city, owner of the receiving property, adjacent property owner, neighborhood association, or other able party that will maintain the property as a park or open space. The vacant property may also be used for stormwater quality needs.
- Property receiving a density transfer shall be no less than 20,000 sq. ft. in area.
- Dwelling unit density may not be transferred from the WWU regional stormwater facility or from the block directly west of the WWU Physical Plant.

D. Western Washington University Uses:

[Note: See the WWU Institutional Master Plan for a complete listing of use restrictions, design criteria, and performance standards that apply to institutional development in designated areas of the Happy Valley Neighborhood.]

As of 2001, WWU's developed properties south of Bill McDonald Parkway include the Physical Plant at 26th and Douglas, the Northwest Regional Archives Building at 25th and Bill McDonald Parkway, and a regional stormwater facility on the south side of Bill McDonald Parkway generally between 22nd and 23rd Streets. The Physical Plant area (2B) currently includes support offices, maintenance shops, and storage areas. WWU's plans for the next ten years are to expand the Physical Plant functions to include relocation of related offices such as WWU's Purchasing Office, Mail Services, and Central Stores. The block west of the Physical Plant (Area 1C) is now owned by WWU. The following design criteria shall apply to development in Areas 1C and 2B:

1. All uses in Areas 1C and 2B shall comply with the use limitations, development standards, and performance standards in the WWU Institutional Master Plan as amended.
2. Expansion of warehousing and maintenance facilities shall occur on the Taylor Street (north) side of the Physical Plant property whenever possible. Expansion of these uses adjacent to or across the street from residential areas should be designed with office space facing streets to ease potential impacts.
3. Office facades should include similar scale and design features of adjacent residential

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structures to reinforce and enhance the residential neighborhood character.

4. New warehouse and maintenance shop facilities and outdoor storage of construction or other materials shall not be located in Area 1C 2B.
5. WWU truck traffic should be routed north on 25th Street to Bill McDonald Parkway and not south through the neighborhood or east along Douglas Street.
6. 10% open space is required for all non-residential uses.
7. Surface parking lots that serve uses north of Bill McDonald Parkway are prohibited.
8. If Area 1C is to be developed with institutional (non-residential) uses, vacating the 26th Street right-of-way should be considered in exchange for an equal dedication of land for open space on the east side of 25th Street. If this occurs, WWU should be required to permanently own and maintain the open space. Explore ways to use some of the adjacent open space to enhance the streetscape/entrance to Happy Valley.

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EXHIBIT D

Happy Valley Neighborhood Zoning Map

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HAPPY VALLEY NEIGHBORHOOD ZONING

Legend:

AREA	ZONING DESIGNATION*
1A	Residential Multi
1B	Neighborhood Commercial
1C	Institutional
2A	Public
2B	Public/Institutional
3	Residential Multi
4	Planned Commercial
5	Residential Single
5A	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



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