

ORDINANCE NO. 2023-11-032

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM COMPREHENSIVE PLAN TO REZONE AREA 1 OF THE SAMISH NEIGHBORHOOD AND AREA 21 OF THE PUGET NEIGHBORHOOD FROM COMMERCIAL, AUTO TO COMMERCIAL, PLANNED.

WHEREAS, the City of Bellingham has adopted 25 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Puget Neighborhood Plan and Samish Neighborhood Plan; and

WHEREAS, the City has a process to amend the comprehensive plan and the neighborhood plans once per year in accordance with Bellingham Municipal Code (BMC) 20.20 and BMC 21.10.150; and

WHEREAS, the Planning and Community Development Department received a docketing application requesting a comprehensive plan amendment to rezone 755 Lincoln St and 3816 Consolidation Ave in Area 1 of the Samish Neighborhood from Commercial, Auto to Commercial, Planned; and

WHEREAS, on June 6, 2022, the City Council Committee of the Whole approved Resolution 2022-12 and placed the proposed comprehensive plan amendment and rezone on the annual 2022-2023 docket and expanded the scope to include all of the remaining Commercial, Auto sub-areas in the proposal (Area 1 of the Samish Neighborhood and Area 21 of the Puget Neighborhood); and

WHEREAS, the two Commercial, Auto subareas consist of only 19.1 acres (including rights-of-way), a small area compared to other zoning designations; and

WHEREAS, the 2016 Bellingham Comprehensive Plan identifies various goals and priorities that support compact mixed-use development near transit corridors and discourage auto-dependent commercial (strip) development; and

WHEREAS, given Bellingham's high demand for housing, a rezone from Commercial, Auto, to Commercial, Planned that permits residential uses outright will create an opportunity for more residential development; and

WHEREAS, on November 21, 2022, the applicant submitted applications for a Comprehensive Plan amendment, rezone, and State Environmental Policy Act (SEPA) review; and

WHEREAS, upon review of the proposed rezone, staff determined that the zoning designation of Planned, Commercial is an appropriate zoning designation for the two remaining sub-areas under the Commercial, Auto designation; and

WHEREAS, as required by RCW 36.70A.106 notice of the City's intent to adopt the proposed comprehensive plan amendment and rezone was sent to the Department of Commerce on May 5, 2023; and

WHEREAS, the responsible official reviewed the proposed comprehensive plan amendment and rezone under the procedures of the SEPA, and a non-project Determination of Non-Significance was issued on May 4, 2023; and

WHEREAS, after notice was posted on site, mailed, and published as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed comprehensive plan amendment and rezone on June 1, 2023; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions and Recommendations for approval of the proposed amendment and rezone by a 6-0 vote; and

WHEREAS, the Planning Commission finds that the proposed amendment and rezone is consistent with the 2016 Bellingham Comprehensive Plan and meets all of the comprehensive/neighborhood plan review criteria in BMC 20.20.040 and BMC 20.19.030; and,

WHEREAS, after notice was posted on site, mailed, and published as required by BMC 21.10, the City Council held a public hearing on the proposed comprehensive plan amendment and rezone on August 14, 2023; and

WHEREAS, the City Council considered the recommendation of the Planning Commission, the staff report, and the public comment and hereby adopts the Findings, Conclusions and Recommendations of the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendment and rezone is consistent with the 2016 Bellingham Comprehensive Plan and meets all of the comprehensive plan amendment and rezone review criteria in BMC 20.20.040 and BMC 20.19.030.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Puget Neighborhood Zoning map is hereby amended as shown in EXHIBIT A.

Section 2. BMC 20.00.130, Puget Neighborhood Table of Zoning Regulations, is hereby amended as follows:

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1-20	[No change]					
21	Commercial	Auto, mixed—mini storage allowed* <u>Planned</u>	10,000 sq. ft. maximum retail building size. <u>None</u>	Evergreen freeway buffer; joint driveways; orient lighting. <u>Access, buffers</u>	None <u>Lincoln St/ Consolidation Ave traffic signal</u>	Mini-storage development standards: 1. A dense buffer of evergreen trees shall be installed between any development and I-5. 2. Joint driveway access and signage required. 3. Lighting shall be oriented down toward the site and away from surrounding residences. <u>Uses are permitted as specified in Chapter 20.33 BMC, except:</u> <u>1. Residential uses are permitted outright.</u>

Section 3. The Puget Neighborhood Plan description for Area 21 is hereby amended as follows:

Area 21

~~This area is next to Interstate 5. It includes gently sloping terrain. Some of the land is vacant; two homes, an espresso stand and a car wash occupy the rest of the area. Mini-storage facilities next to the freeway are an appropriate use for this area to serve the residential development and commercial establishments in the vicinity. A dense buffer of evergreen trees should be installed between any development and I-5. Joint driveway access and signage should be required. Lighting should be oriented down toward the site and away from surrounding residences.~~

This area is almost eight acres in size, consisting of gently sloping terrain with potential wetland areas. It is located in the southwest portion of the neighborhood bordered by Interstate 5 to the west, E Maple Street to the northeast, and Consolidation Ave on the south. Lincoln Street, a designated arterial, provides primary access through the area, to Interstate 5 via the Samish Way freeway interchange, and connects this area to the commercial areas to the north and south.

Development considerations include but are not limited to: appropriate buffers between different land uses, vehicle access restrictions from arterial streets, public infrastructure improvements, and participation in funding traffic improvements, as applicable.

Area 21 Land Use Designation: [No change]

Section 4. The Samish Neighborhood Zoning map is hereby amended as shown in EXHIBIT B.

Section 5. BMC 20.00.150, Neighborhood Table of Zoning Regulations, is hereby amended as follows:

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	Commercial	Auto <u>Planned</u>	N/A <u>None</u>	Traffic and noise, parking, buffer, limit curb cuts. <u>Access, buffers</u>	Improvements to the Interstate 5 interchange and the recommended improvements to Samish Way should occur before the area is developed. <u>Lincoln St/Consolidation Ave traffic signal</u>	None <u>Uses are permitted as specified in Chapter 20.33 BMC, except:</u> <u>1. Residential uses are permitted outright.</u>
1A-11	[No change]					

Section 6. The Samish Neighborhood Plan description for Area 1 is hereby amended as follows:

Area 1

~~This area near the Samish Way freeway interchange is designated for Auto Commercial uses. This classification is compatible with an area directly to the north in the Puget Neighborhood. The extension of 40th Street via Ashley Street is the eastern boundary of this area; the southern boundary being the Byron/Consolidation arterial.~~

~~Topography rises to the southeast of the property and provides somewhat of a separation from the residential uses to the east. A buffer should be maintained and enhanced where these uses abut. In addition, curb cuts on Lincoln Street and Byron Avenue should be limited for traffic safety.~~

~~Improvements to this freeway interchange are proposed to correct the many traffic problems in this general vicinity. The prerequisite consideration for Area 1 relates to these improvements.~~

This area is approximately 11 acres in size and located in the northwest portion of the neighborhood bordered by Interstate 5 to the west. Lincoln Street, a designated arterial,

provides primary access through the area, to Interstate 5 via the Samish Way freeway interchange, and connects this area to the commercial areas to the north and south.

The area is relatively flat with steep slopes located mainly near the eastern boundary of the sub-area. Development may require further analysis of these geologically hazardous areas and other critical areas regulated by the Bellingham Municipal Code. Other development considerations include but are not limited to: appropriate buffers between different land uses, vehicle access restrictions from arterial streets, public infrastructure improvements, and participation in funding traffic improvements, as applicable.

Area 1 Land Use Designation: [No change]

Section 7. BMC 20.06.030 B. 3., Use Qualifier in Topic categories, is hereby amended as follows:

General Use Type	Use Qualifiers
Residential Single	[No change]
Residential Multi	[No change]
Commercial	waterfront auto neighborhood planned

Section 8. BMC 20.06.030 C. 1. c., Density in Topic categories, is hereby amended as follows:

c. Density may designate the maximum floor area size for retail establishments in urban village, ~~auto~~, neighborhood, or planned commercial areas.

Section 9. The following definition in BMC 20.08.020 Specific definitions, in Definitions, is hereby amended as follows:

"Density. A term used within the comprehensive plan and municipal code to regulate the intensity of development which may legally occur upon property within a land use area. Density regulates development according to one of the following three criteria:

A. [No change]

B. [No change]

C. Density may designate the maximum floor area size for retail establishments in urban village, ~~auto~~, neighborhood, or planned commercial areas.”

Section 10. BMC 20.12.040 A. 6. b. Auto, in Signs, is hereby repealed as follows:

~~b. Auto.~~

~~i. No off-premises signs shall be permitted. Billboards are permitted in the billboard overlay zones when in accord with the provisions of this code.~~

~~ii. No sign or any portion of a sign hereafter erected shall be located on or over public property. Signs flush against a building which abuts upon a right-of-way may protrude over the right-of-way for a distance not greater than two feet. There shall be a minimum eight-foot vertical clearance.~~

~~iii. Signs may be lighted in accordance with the regulations found within the city sign code.~~

~~iv. Signs may not exceed 250 square feet in area on any one face.~~

~~v. Signs may not exceed the height regulations unless oriented to I-5, in which case they shall be no more than 20 feet above the surface of the nearest primary driving lane at the nearest point of the sign.~~

~~vi. Unlighted temporary building signs shall not exceed 32 square feet.~~

~~vii. Real estate signs shall be limited to one sign per street frontage, shall be unlighted, and shall not exceed 32 square feet.~~

~~viii. Specific service signage as defined herein shall be permitted on the public right-of-way consistent with the policies and approval of the public works department.~~

Section 11. BMC 20.16.020 K. 3. Private Club and Lodge, in Conditional Uses, is hereby amended as follows:

3. Private Club and Lodge.

a. [No change]

b. Conditional in the neighborhood and ~~auto~~ commercial designated areas.

c. [No change]

Section 12. BMC 20.16.020 L. 1. Recreational Vehicle Parks and Campgrounds, in Conditional Uses, is hereby repealed as follows:

~~1. Recreational Vehicle Parks and Campgrounds.~~

~~a. Definition. Land used for the temporary storage of recreational vehicles or camp sites for the traveling public.~~

~~b. Conditional in the auto-commercial general use type.~~

~~c. Special Requirements.~~

~~i. The proposed site must be serviced by adequate essential public facilities such as streets, police and fire protection, refuse disposal, water and sewer. An adequate street shall be not less than the minimum standard of the city.~~

~~ii. Sewage disposal, restroom, shower and laundry facilities shall be provided.~~

~~iii. Unless building codes provide otherwise, accessory structures, such as washrooms and toilets, shall be located no closer than five feet from other accessory structures.~~

~~iv. The proposed use shall comply with state and local fire and health codes and guidelines promulgated by the Bellingham fire department and Whatcom County health department.~~

~~v. The proposal shall not cause detrimental effects to the surrounding neighborhood. A perimeter buffer or screen may be required to protect adjacent property and roadways from unsightliness, visual distraction, and noise impact. Perimeter buffers may be supplemented by a fence. Any lighting shall be designed, located, and shielded in such a manner as to prevent glare onto neighboring properties and to not create safety hazards or interference with adjacent uses.~~

~~vi. There shall be no storage or handling of hazardous, explosive, or flammable materials unless specifically authorized and approved by the fire department.~~

~~vii. Proper management during the operation of the recreational vehicle park shall be provided and shall include, at minimum, the following:~~

~~(A) A management building or facility providing registration, first aid, and information on park rules.~~

~~(B) A general manager or security person available 24 hours per day.~~

~~(C) A telephone available to the public with emergency numbers clearly posted together with the address of the park.~~

Section 13. BMC 20.16.020 L. 2. Recycling Collection and Processing Center, in Conditional Uses, is hereby amended as follows:

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

a. [No change]

b. Conditional in the commercial neighborhood, ~~auto~~, and waterfront designations, and as referenced in the urban village plans.

c. [No change]

Section 14. BMC 20.33.020 Purpose and intent for Commercial Development, is hereby amended as follows:

A. through E. [No change]

~~F. Auto, Use Qualifier. The commercial auto (AC) designation recognizes the need to adequately serve the motoring public with essential services such as food, lodging and gasoline for the automobile.~~

FG. Waterfront, Use Qualifier. The commercial-waterfront (WC) designation is created with the intent of revitalizing our historic waterfront areas with a people-oriented marine use atmosphere. The intent of the waterfront commercial designator is to reserve property abutting and/or in close proximity to the shoreline for commercial, light industrial, and recreational activities which depend upon or traditionally relate to the waterfront, or to those uses which will lend or help support a marine type atmosphere.

Section 15. Table 20.33.030 in BMC 20.33.030 A., Range of uses possible for Commercial Development within a Commercial, Auto land use designation, is hereby repealed in its entirety as follows:

Table 20.33.030

P = Permitted C = Conditional N = Not Permitted	Planned Commercial	Neighborhood Commercial	Auto [Repeal]	Waterfront (1)
All Listed Residential Uses [No change]	[No change]	[No change]	[Repeal]	[No change]
All Listed Commercial Uses [No change]	[No change]	[No change]	[Repeal]	[No change]
All Listed Health Care Uses [No change]	[No change]	[No change]	[Repeal]	[No change]
All Listed Public and Semi-Public Assembly Uses [No change]	[No change]	[No change]	[Repeal]	[No change]

P = Permitted C = Conditional N = Not Permitted	Planned Commercial	Neighborhood Commercial	Auto [Repeal]	Waterfront (1)
All Listed Industrial Uses [No change]	[No change]	[No change]	[Repeal]	[No change]
All Listed Miscellaneous Uses [No change]	[No change]	[No change]	[Repeal]	[No change]

Notes: 1 through 7 [No change]

Section 16. Table 20.33.040, in BMC 20.33.040 B., Development standards for Commercial Development within a Commercial, Auto land use designation, is hereby repealed in its entirety as follows:

Table 20.33.040 Development Standards

Development Standards	Area			
	Planned Commercial	Neighborhood Commercial	Auto [Repeal]	Waterfront
Minimum Lot Size through Design Review [No change]	[No change]	[No change]	[Repeal]	[No change]

Notes: 1 through 4 [No change]

Section 17. The following definition in BMC 23.06.020 Specific definitions, in Definitions, is hereby amended as follows:

“Density. A term used within the comprehensive plan and municipal code to regulate the intensity of development which may legally occur upon property within a land use area. Density regulates development according to one of the following three criteria:

1. [No change]
2. [No change]
3. Density may designate the maximum floor area size for retail establishments in urban village, ~~auto~~-neighborhood, or planned commercial areas.”

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

Section 18. The City Council agrees with and hereby adopts the Planning Commission's Findings, Conclusions, and Recommendations, attached as EXHIBIT C.

Section 19. City administration and the codifiers of this ordinance are authorized to make necessary clerical corrections including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any reference thereto.

PASSED by the Council this 20th day of November, 2023



Council President

APPROVED by me this 5 day of December, 2023



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



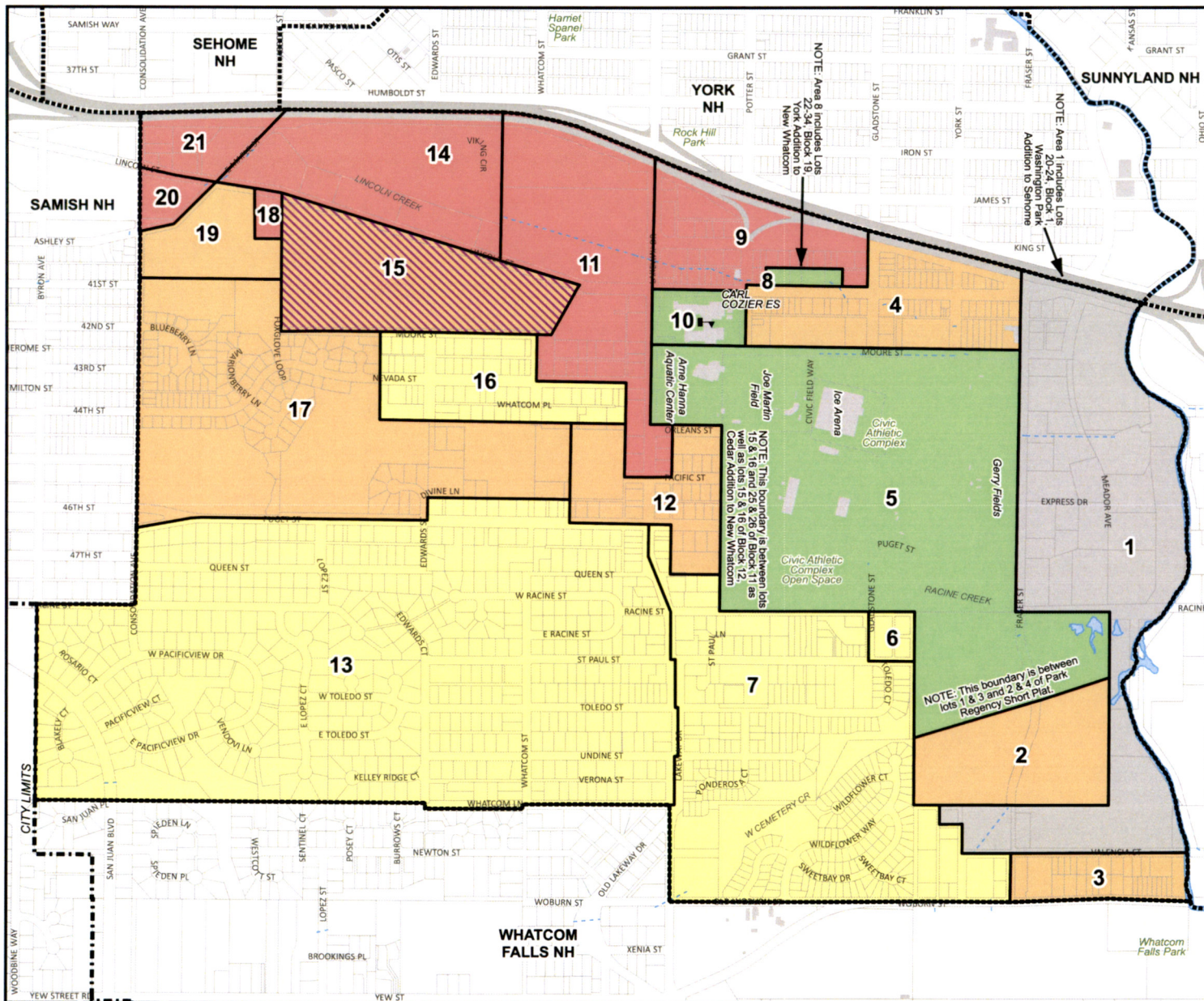
Office of the City Attorney

PUBLISHED:


November 24, 2023

EXHIBIT A

PUGET NEIGHBORHOOD ZONING MAP



PUGET NEIGHBORHOOD ZONING

 Manufactured Home Park Overlay
(BMC 20.35.120)

AREA	ZONING DESIGNATION
1	Industrial, Planned
2	Res. Multi, Planned
3	Res. Multi, Transition
4	Res. Multi, Mixed/Multiple
5	Public, Recreation
6	Res. Single
7	Res. Single
8	Public, Open Space
9	Commercial, Planned
10	Public, School
11	Commercial, Planned
12	Res. Multi, Multiple
13	Res. Single
14	Commercial, Planned
15	Res. Multi, Planned
16	Res. Single
17	Res. Multi, Planned
18	Commercial, Planned
19	Res. Multi, Planned
20	Commercial, Planned
21	Commercial, Auto Mixed-Planned



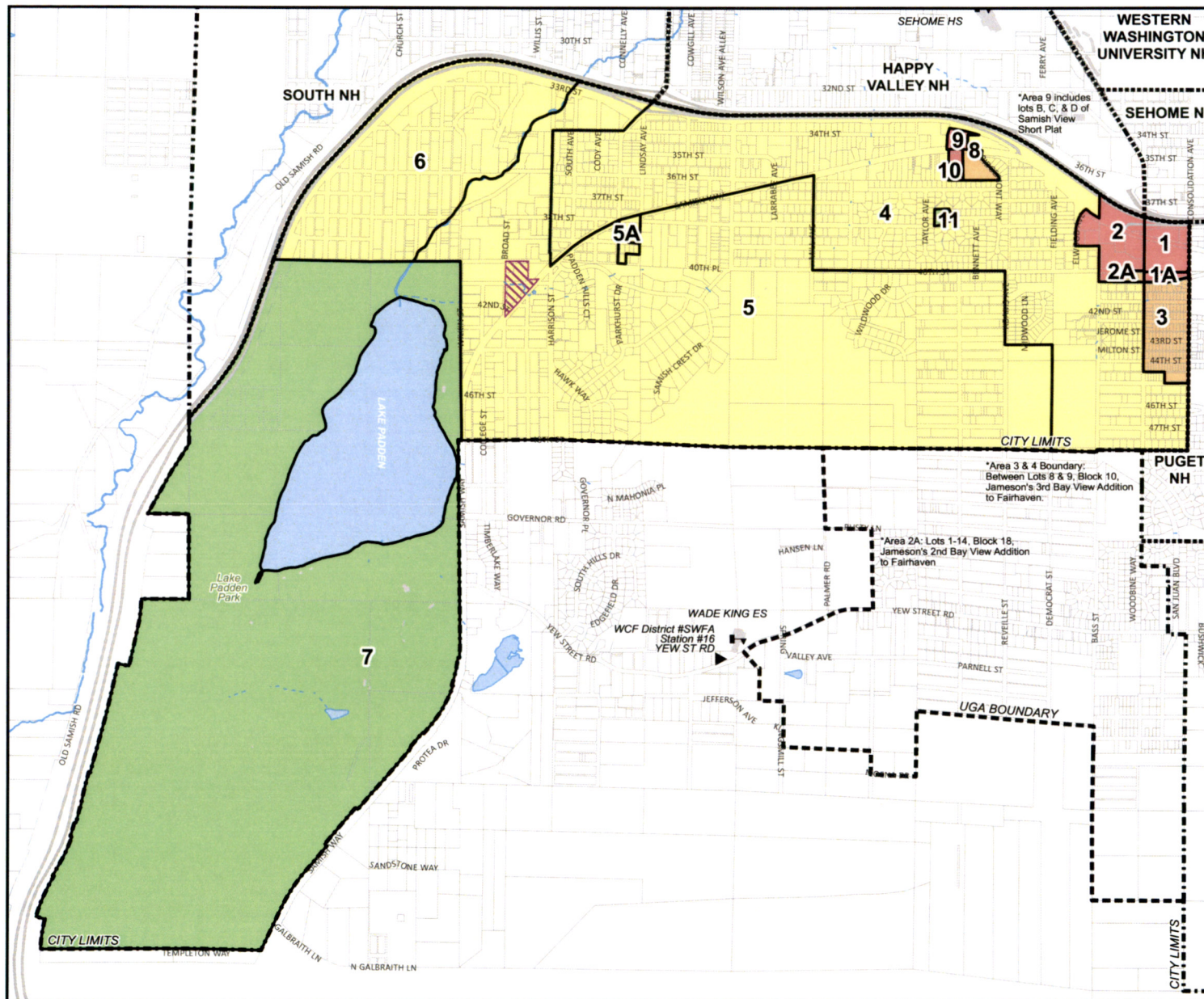
0 380 760 1,140 1,520
Feet

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4/25/2023, knewell

EXHIBIT B

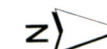
**SAMISH NEIGHBORHOOD
ZONING MAP**



SAMISH NEIGHBORHOOD ZONING

 Manufactured Home Park Overlay (BMC 20.35.120)

AREA	ZONING DESIGNATION
1	Commercial, Auto -Planned
1A	Commercial, Planned
2	Commercial, Planned
2A	Res. Multi, Planned
3	Res. Multi, Planned
4	Res. Single
5	Res. Single
5A	Res. Single
6	Res. Single
7	Public, Open Space/Park/Recreation
8	Res. Multi, Planned
9	Commercial, Planned
10	Commercial, Planned
11	Public, Park



0 825 1,650 2,475 3,300 Feet

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EXHIBIT C

PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

JUNE 1, 2023

SUMMARY

Following the public hearing and deliberation on the proposed comprehensive plan amendment and text amendment to the Bellingham Municipal Code, the Bellingham Planning Commission has determined that the proposed changes comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

I. FINDINGS OF FACT

1. Project or Proposal Description:

On behalf of the property owners, David Ebenal (Dominion Sustainable Development) submitted a request for a comprehensive plan amendment to rezone two properties (2.3 acres) located at 755 Lincoln St and 3816 Consolidation Ave in Area 1 of the Samish Neighborhood from Commercial, Auto (CA) to Commercial, Planned (CP) (mini storage and residential uses allowed with no density).

Based on the rezone request and the small percentage of CA zoned land in the City, the City Council expanded the docketing request to include all the remaining CA sub-areas in the proposal, which included the remaining properties in Area 1 of the Samish Neighborhood and properties in Area 21 of the Puget Neighborhood (approx. 10.3 acres). The total combined acreage included in the rezone proposal is approximately 19.1 acres, including adjacent rights-of-way.

Proposed amendments to the Bellingham Comprehensive Plan and Bellingham Municipal Code (BMC) are shown in the draft ordinance.

2. Background Information/Procedural History:

Property History

The CA zoning designation was intended for auto commercial development that initially followed Samish Way and Lincoln Street near Interstate 5. In 1936, Samish Way became part of Highway 99, which led to and encouraged auto-oriented uses such as motels, gas stations, and other uses that served the motoring public.

Bellingham Municipal Code 20.33.020 F. provides the purpose and intent of the Commercial, Auto zoning designation:

F. Auto, Use Qualifier. The commercial-auto (AC) designation recognizes the need to adequately serve the motoring public with essential services such as food, lodging and gasoline for the automobile.

Over the years there has been a shift away from auto dependent development towards compact mixed-use development that is supported by a network of multimodal transportation options, such as pedestrian/bicycle facilities and transit. In 2009, a majority of

the CA properties were rezoned and assigned an urban village zoning designation with the adoption of the Samish Way Urban Village Master Plan. Currently, only two sub-areas remain under the CA designation: Area 1 of the Samish Neighborhood and Area 21 of the Puget Neighborhood. The proposed rezone would remove an outdated CA land use designation that was aimed at supporting auto-oriented development.

Furthermore, the CA zoning designation does not permit residential uses and a motivation for this rezone request is to allow residential development in these two subareas. Based on a high need for housing and a lower demand for commercial development, the City is proposing a CP designation for Area 1 and 21 that permits residential uses outright rather than in conjunction with other commercial uses on the same property.

Under the proposed CP designation, new development would require administrative land use review/approval to ensure compatibility with the 2016 Bellingham Comprehensive Plan, BMC, and surrounding area, with conditions to mitigate potential impacts to the surrounding area.

Bellingham Municipal Code 20.33.020 D. provides the purpose and intent of the Commercial, Planned zoning designation:

D. Planned, Use Qualifier. The planned commercial designation (PC) is intended to accommodate retail and personal service establishments of a citywide nature or regional nature and to provide flexible design standards which will ensure compatibility between the site and the development, as well as between the development and the surrounding area.

Procedural History

In March 2022, the Planning and Community Development Department received a docketing application from David Ebenal (Dominion Sustainable Development) requesting a comprehensive plan amendment to rezone the properties located at 755 Lincoln St and 3816 Consolidation Ave in Area 1 of the Samish Neighborhood from CA to CP.

On June 6, 2022, the City Council Committee of the Whole approved Resolution 2022-12 and placed the proposed comprehensive plan amendment and rezone on the annual 2022-2023 docket and expanded the scope to include all of the remaining properties in the CA sub-areas in the proposal.

On November 21, 2022, the applicant submitted applications for a comprehensive plan amendment, rezone, and a State Environmental Policy Act (SEPA) checklist to officially start the review process.

3. Comprehensive Plan Goals and Policies:

Bellingham'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 listed below:

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

Policy LU-20: The Commercial designation includes a range of commercial development intensities, from small neighborhood commercial areas to large planned commercial areas. In general, commercial areas should provide a broad range of services, commercial uses, mixed commercial and residential uses, and personal service establishments.....

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.

GOAL H-1: Ensure that Bellingham has a sufficient quantity and variety of housing types...

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.

GOAL ED-3: Maintain an adequate supply of developable employment lands and supporting infrastructure to accommodate forecasted growth and accomplish the City's economic development goals.

Policy ED-26: Review land use regulations, development standards and design guidelines to ensure that the existing developed and remaining vacant or underutilized employment lands are used as efficiently as possible.

Policy ED-40: Identify and remove barriers to redeveloping underutilized and/or vacant land and buildings.

GOAL T-4: Reduce dependence on single-occupancy vehicles.

4. Public Comment:

Prior to docketing the proposal, on June 3, 2022 the City received written comment from Western Washington University (property owners of 800 Lincoln St within Area 1), expressing support for rezoning Area 1 of the Samish Neighborhood. That same day, the City received a comment from an agent representing property owners in Area 21 of the Puget Neighborhood. The comment included letters from six of seven property owners in Area 21 expressing support for this rezone. The commenter was not able to contact the remaining property owner.

On May 5, 2023, notice of the City's intent to adopt the proposed amendment was sent to the Washington State Department of Commerce.

Per BMC 21.10, notice of the Planning Commission Public Hearing was mailed to neighborhood representatives and associations and to properties owners within 500-feet of

the subject property. The notice was also published in the Bellingham Herald, posted on City website notice locations, and notice signs were posted in both subareas.

One public comment in response to this notice was received by the City and forwarded to the Planning Commission. In summary, the commenter expressed concern over potential traffic impacts due to development projects in the rezone area, and requested information on proposed mitigation for development. In response, City staff noted that proposal is for two area-wide rezones and does not contemplate any specific development project(s) at this time. Any future development activity shall be required to adhere to all land use and development regulations as required by the Bellingham Municipal Code.

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

A non-project Determination of Non-Significance was issued on May 4, 2023. Within the 14-day SEPA comment period, no public comment was submitted.

6. Consistency with the Bellingham Comprehensive Plan, and/or Review Criteria:

Petitioners requesting amendments to the Bellingham Comprehensive Plan and/or a Neighborhood Plan shall be prepared to offer justification for the request using the following criteria. These criteria will be used by the Planning Commission and the City Council to evaluate amendment requests:

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

The CA zoning is an outdated land use designation that was aimed at supporting auto-oriented development; the proposed amendment will use this opportunity to retire the CA zoning, and assign a land use designation of Commercial, Planned that is more consistent with the City's current comprehensive plan to:

- avoid auto-oriented strip commercial development;
- encourage compact mixed-use development that is supported by a network of multimodal transportation options;
- support high density housing and mixed-use development near transit corridors

The Commission finds that this criterion has been met.

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;**

The Bellingham Comprehensive Plan, developed in accordance with the GMA, contains several policies that speak to supporting mixed-use development in appropriate commercial areas and encouraging more compact, mixed-use nodes of activity rather than auto-oriented development.

The proposed amendment implements the goals and policies of the comprehensive plan and provides a zone that promotes the efficient use of land and supports the potential for residential development (no density limit) in an area close to public transit and other amenities in the Samish Urban Village and commercial businesses to the north along Lincoln Street. The overall potential unit count is determined by how the proposal meets the applicable provisions of the BMC.

The Commission finds that this criterion has been met.

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 amendment addresses changing circumstances related to the City's shift away from a CA zone that was created back in the early 1980s for commercial development intended to be supported by the motoring public. The amendment proposal would address these changing circumstances by rezoning the only remaining CA subareas (19.1 acres) to CP, thereby avoiding potential auto-oriented (strip) commercial development.

The rezone would also help meet Bellingham's housing needs by allowing residential development outright (no commercial required)¹ or provide an opportunity for mixed-use commercial/residential development that are supported by a network of multimodal transportation options. Rezoning the site to CP will help achieve several goals and policies in the comprehensive plan.

Furthermore, the proposed rezone will address changing circumstances by updating the subarea descriptions for Area 1 and 21 in the neighborhood plans and updating the special conditions and prerequisite considerations in the applicable zoning tables to closely reflect current conditions and transportation requirements.

The Commission finds that this criterion has been met.

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

The proposed amendment and rezone will result in a long-term benefit to the community. Both Areas 1 and 21 will permit two additional uses: confidential shelters and residential uses outright. Housing creation is an immediate need for the City, and the proposed amendment provides an opportunity to increase Bellingham's

¹ Other CP-zoned subareas also allow residential development outright. For example, see Area 1A and 9 in the Samish Neighborhood.

housing stock and support the community's interest to allow people to work and shop where they live.

The proposed rezone is also in the community's overall interest as the neighborhood plan language and zoning tables for Area 1 of the Samish Neighborhood and Area 21 of the Puget Neighborhood will be updated to reflect current circumstances more accurately.

The Commission finds that this criterion has been met.

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

The proposed amendment and rezone will not adversely affect the public health, safety or general welfare. Under the proposed CP zoning designation, a future development proposal will require planned development approval and, if applicable, design review approval to ensure that adequate provisions are in place to lessen possible development impacts to adjacent areas and to address any site-specific concerns. With the rezone, a use that will no longer be conditionally allowed in Area 1 or Area 21 is recreational vehicle parks, per BMC 20.16. There are currently no recreational vehicle parks or campgrounds in either subarea, so the proposed rezone will not create any nonconforming uses. There are no other zoning designations in the City that permit recreational vehicle parks or campgrounds, so retiring the CA designation will remove this conditional use within City limits. City staff is aware of only one recreational vehicle park in the City, located off of Bennett Dr. It should be noted that recreational vehicles are permitted in manufactured home parks (MHP)² and that MHPs are distinct from recreational vehicle parks or campgrounds.

The Commission finds that this criterion has been met.

5. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in [BMC 20.19.030](#).

See below.

REZONE REVIEW CRITERIA: BMC 20.19.030

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

A. It is consistent with the comprehensive plan or corresponds to a concurrent comprehensive plan amendment application.

See the discussion under comprehensive plan amendment criteria B.1. and B. 2.

² Recreational vehicles and tiny houses with wheels, as defined in RCW 35.21.686, may be used as primary residences in MHPs per RCW 35.21.684

The Commission finds that this criterion has been met.

B. It will not adversely affect the public health, safety or general welfare.

See the discussion under comprehensive plan amendment criterion B. 4.

The Commission finds that this criterion has been met.

C. It is in the best interests of the residents of Bellingham.

See the discussion under comprehensive plan amendment criterion B. 3.

The Commission finds that this criterion has been met.

D. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district.

Area 1 of the Samish Neighborhood and Area 21 of the Puget Neighborhood are both suitable for development in general conformance with zoning standards under the proposed CP zoning designation.

The Commission finds that this criterion has been met.

E. Adequate public facilities and services are, or would be, available to serve the development allowed by the proposed zone.

The subject site can be adequately served by City public facilities and existing life safety services.

The Commission finds that this criterion has been met.

F. It will not be materially detrimental to uses or property in the immediate vicinity of the subject property.

See the discussion under comprehensive plan amendment criterion B. 4.

The Commission finds that this criterion has been met.

G. It is appropriate because either:

- 1. Conditions in the immediate vicinity have changed sufficiently since the property was classified under the current zoning that a rezone is in the public interest; or**

See the discussion under comprehensive plan amendment criteria A. and B. 2-3.

The Commission finds that this criterion has been met.

2. **The rezone will correct a zone classification or zone boundary that was inappropriate when established; or**

Not applicable.

3. **The rezone will implement the policies of the comprehensive plan.**

See the discussion under comprehensive plan amendment criteria B. 1. and B. 2.

The Commission finds that this criterion has been met.

II. CONCLUSIONS

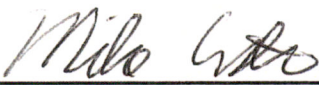
Based on the staff report and the information presented at the public hearing, the Bellingham Planning Commission concludes that:

1. The Commercial, Planned zoning designation is appropriate for Area 21 of the Puget Neighborhood and Area 1 of the Samish Neighborhood and helps achieve multiple goals and policies in the comprehensive plan.
2. Rezoning the site to Commercial, Planned with residential uses permitted outright retires an outdated land use designation and supports the potential for increased housing stock in an area close to transit and amenities.
3. The proposed amendment is consistent with the 2016 Bellingham Comprehensive Plan and meets all the comprehensive plan amendment and rezone criteria in BMC 20.20.040 and BMC 20.19.030.

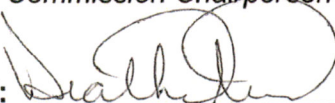
III. RECOMMENDATIONS

Based on the findings and conclusions, the Planning Commission recommends, with a 6-0 vote, that the City Council approve the Commercial, Planned zoning designation.

ADOPTED this 1st day of June, 2023.

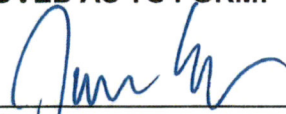


Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:



City Attorney