

ORDINANCE NO. 2023-11-033

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM COMPREHENSIVE PLAN TO REZONE A PROPERTY LOCATED AT 2825 LINDSHIER AVENUE IN AREA 1 OF THE IRONGATE NEIGHBORHOOD FROM INDUSTRIAL, PLANNED TO RESIDENTIAL, SINGLE, CREATING A NEW AREA 29 IN THE BARKLEY NIEIGHBORHOOD WITH A 7,200 SQUARE FOOT DENSITY AND DETACHED CLUSTER LAND USE QUALIFIER.

WHEREAS, the City of Bellingham has adopted 25 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Irongate Neighborhood Plan and the Barkley 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, on September 27, 2022, the Planning and Community Development Department received a docketing application requesting a comprehensive plan amendment to rezone the property located at 2825 Lindshier Ave. in Area 1 of the Irongate Neighborhood from Industrial, Planned to Residential, Single; and

WHEREAS, the proposed comprehensive plan amendment would also remove the subject property from Area 1 of the Irongate Neighborhood and add the property to Area 1 of the Barkley Neighborhood, which is currently zoned Residential, Single, Detached with a minimum density of 10,000 square feet per dwelling unit; and

WHEREAS, the proposed rezone would remove the subject property from the Adult Entertainment Overlay District map in BMC Figure 20.12.080(B); and

WHEREAS, on December 12, 2022, the City Council Committee of the Whole approved Resolution 2022-25 and added the docketing request to the 2022-2023 docket of comprehensive plan amendments; and

WHEREAS, on January 15, 2023, the applicant submitted the final applications for a comprehensive plan amendment, rezone, and State Environmental Policy Act (SEPA) review; and

WHEREAS, on February 23, 2023, the applicant held a neighborhood meeting to introduce the proposed comprehensive plan amendment and rezone to the public; and

WHEREAS, upon conclusion of the neighborhood meeting, the Planning and Community Development Department officially accepted the final comprehensive plan amendment and rezone applications; and

City of Bellingham
City Attorney
210 Lottie Street
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360-778-8270

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 April 26, 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 April 6, 2023; and

WHEREAS, after notice was posted on site, mailed, and published as required by BMC 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 with a 6-0 vote made Findings, Conclusions and Recommendations for an alternative zoning option for the subject property that created a new subarea in the Barkley Neighborhood (Area 29), with a zoning designation of Residential, Single, 7,200 square foot density, and a detached and cluster land use qualifier; and

WHEREAS, the Planning Commission finds that the proposed alternative zoning recommendation for the proposed comprehensive plan 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 September, 11, 2023; and

WHEREAS, the applicant provided written comment and testimony in support of the Planning Commission alternative zoning recommendation at the City Council public hearing; 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 alternative comprehensive plan amendment and rezone recommended by the Planning Commission 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 Irongate Neighborhood Comprehensive Plan Land Use Map is hereby amended as shown in EXHIBIT A.

Section 2. The Irongate Neighborhood Zoning Map is hereby amended as shown in EXHIBIT B.

Section 3. The Irongate Neighborhood Plan is hereby amended to remove the subject property (4.7-acres) from the neighborhood plan as follows:

I. NEIGHBORHOOD CHARACTER

The Irongate Neighborhood was created in 2010 as part of the northern neighborhood boundary review project. Approval of a number of large annexations (including the 620-acre Bakerview/Hannegan area in 1998) caused several of the north-end neighborhoods to grow very large. Some residents asked the City to review the boundaries of the Mt. Baker, Guide Meridian/Cordata, Meridian and King Mountain Neighborhoods in 2009. As a result, the Mt. Baker Neighborhood was divided into two new neighborhoods in 2010, Irongate and Barkley.

The Irongate Neighborhood contains about ~~900~~ 895 acres generally located east of Interstate 5 and north of Sunset Drive to the northern city limits (see map). The King Mountain Neighborhood is located to the west and the Barkley Neighborhood to the south. Irongate is zoned almost entirely for industrial development (~~824~~ 816 acres) and is characterized by industrial and some commercial development (3 acres) in the Irongate industrial area and along Hannegan Road. The area has become one of the major employment centers in Bellingham. The balance of the land in the neighborhood (76 acres) is zoned Public, including Sunset Pond and open space along the Squalicum Creek corridor.

VI. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

The Irongate Neighborhood's ~~900~~ 895 acres are divided into 19 distinct subareas, allowing predominately industrial development. When this area was annexed in 1998, the County zoning in place at the time (General Manufacturing, Light Impact Industrial and General Commercial) was transferred to City zoning.

The acreage in each type of land use category is listed below.

Industrial	824 <u>816</u> acres
Commercial	3 acres
Public	76 acres
TOTAL	900 <u>895</u> acres

Area 1

This Planned Industrial zoned area is generally bounded on the north by the Division Road right-of-way, on the east by Hannegan Road, on the southeast by the base of Dewey Valley, and on the west by King Mountain Neighborhood. The area contains approximately 422 117 acres and remains mostly undeveloped with the exception of properties located on Division Road just west of Hannegan Road.

Much of this area is impacted to some extent by the 1994 R.W. Beck study that reevaluated the Squalicum Floodplain and found that this floodplain and floodway are substantially larger than previously identified. As a result of this finding, the Coastal Zone Management study recommended zoning changes for several properties. In addition to floodplain constraints, properties may also be affected by the presence of wetlands. The Squalicum Creek Trail is planned along the Squalicum Creek corridor.

Care should be taken during the development of five-acre parcel located at the northwest corner of Orchard Drive and Irongate Road to ensure that wetlands located in the southern portion of the property are protected and adequate screening is provided for any future residential development on properties to the west.

Section 4. The Barkley Neighborhood Comprehensive Plan Land Use Map is hereby amended as shown in EXHIBIT C.

Section 5. The Barkley Neighborhood Zoning Map is hereby amended as shown in EXHIBIT D.

Section 6. The Bellingham Municipal Code 20.00.015 Barkley Neighborhood Table of Zoning Regulations is hereby amended to create a new Area 29, as follows:

20.00.015 Barkley Neighborhood Table of Zoning Regulations (Bellingham Municipal Code)

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
29	Residential Single	<u>Detached</u> <u>, Cluster</u>	<u>7,200 sq.</u> <u>ft.</u> <u>minimum</u> <u>lot size.</u> <u>1 lot per</u> <u>7,200 sq.</u> <u>ft. overall</u> <u>cluster</u> <u>density.</u>	<u>Clearing:</u> <u>floodplain:</u> <u>critical areas</u>	None	None

Section 9. The Barkley Neighborhood Plan is hereby amended to include the subject property (4.7-acres) in the neighborhood plan as follows:

I. NEIGHBORHOOD CHARACTER

The Barkley Neighborhood was created in 2010 as part of the northern neighborhood boundary review project. Approval of a number of large annexations caused several of the north-end neighborhoods to grow very large. Some residents asked the City to review the boundaries of the Mt. Baker, Guide Meridian/Cordata, Meridian and King Mountain Neighborhoods in 2009. As a result, the Mt. Baker Neighborhood was divided into two new neighborhoods in 2010, Irongate and Barkley.

The Barkley Neighborhood contains ~~844~~ 819 acres located primarily south of Sunset Drive and north of the Roosevelt and Alabama Hill Neighborhoods. It has a mix of land uses, including regional scale commercial development at the Sunset Drive/I-5 interchange (Sunset Square). The focal point of the neighborhood, however, is the Barkley Urban Village development located around the Woburn Street/Barkley Boulevard intersection. This development is one of the first urban villages to be built in the city. It includes a mix of industrial, retail, professional offices, and residential development.

Residential development in the neighborhood was facilitated by the mid-1990s construction of Barkley Boulevard from Britton Road to Orleans Street. This opened up the west-facing slope of Alabama Hill where a number of subdivisions have been built. Barkley Boulevard is

flanked by new homes with expansive city and bay views as it winds up Alabama Hill.

The existing character of the neighborhood, as well as the presence of open space areas, trails and view corridors continue to be valued by neighborhood residents. Careful consideration in developing zoning designations and in reviewing projects for zoning compliance should continue to emphasize and preserve these characteristics.

VI. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

The Barkley Neighborhood was created in 2010 as part of the northern neighborhood boundary review project. Approval of a number of large annexations caused several of the north-end neighborhoods to grow very large. Some residents asked the City to review the boundaries of the Mt. Baker, Guide Meridian/Cordata, Meridian and King Mountain neighborhoods. As a result, the Mt. Baker Neighborhood was divided into two new neighborhoods, Irongate and Barkley.

The Barkley Neighborhood's 844 819 acres are divided into 28 29 subareas allowing a diverse range of uses from low-density single-family residences to large commercial and industrial developments. The acreage in each type of zoning is listed below.

Residential Single	90 95
Residential Multi	312
Commercial	54
Industrial	97
Commercial/Industrial	25
Commercial/Industrial/Residential Multi	62
Industrial/Residential Multi	70
Public	104
TOTAL	844 819

Area 29

Area 29 is approximately 4.7 acres in size and is located in the north central portion of the Barkley Neighborhood and is within the Squalicum Creek watershed. The area contains critical areas consisting of, but not limited to: wetlands, steep slopes, and floodplain associated with Squalicum Creek.

As development occurs within this area, critical areas as defined by the Bellingham Municipal Code may require further analysis to confirm the classification and location of these environmentally and geologically sensitive areas.

AREA 29 Land Use Designation: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY

Section 6. BMC Figure 20.12.080(B) is hereby amended to remove 2825 Lindshier Avenue property from the Adult Entertainment Overlay District Map as shown in EXHIBIT E.

Section 7. The City Council agrees with and hereby adopts the Planning Commission's Findings, Conclusions, and Recommendations as attached in EXHIBIT F.

Section 8. 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

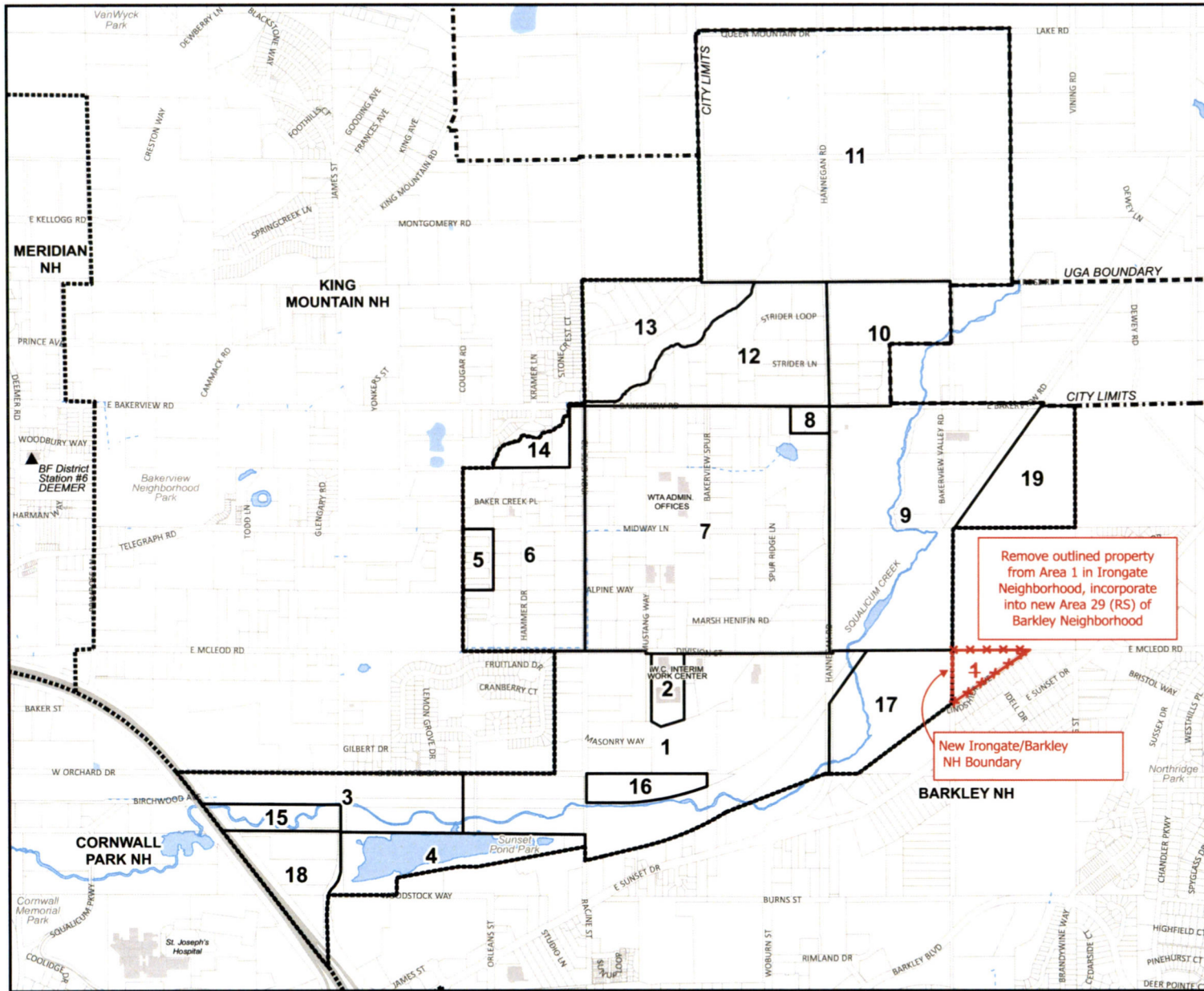
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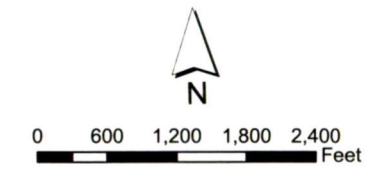
EXHIBIT A

Irongate Neighborhood Comprehensive Plan Land Use Map



IRONGATE NEIGHBORHOOD LAND USE

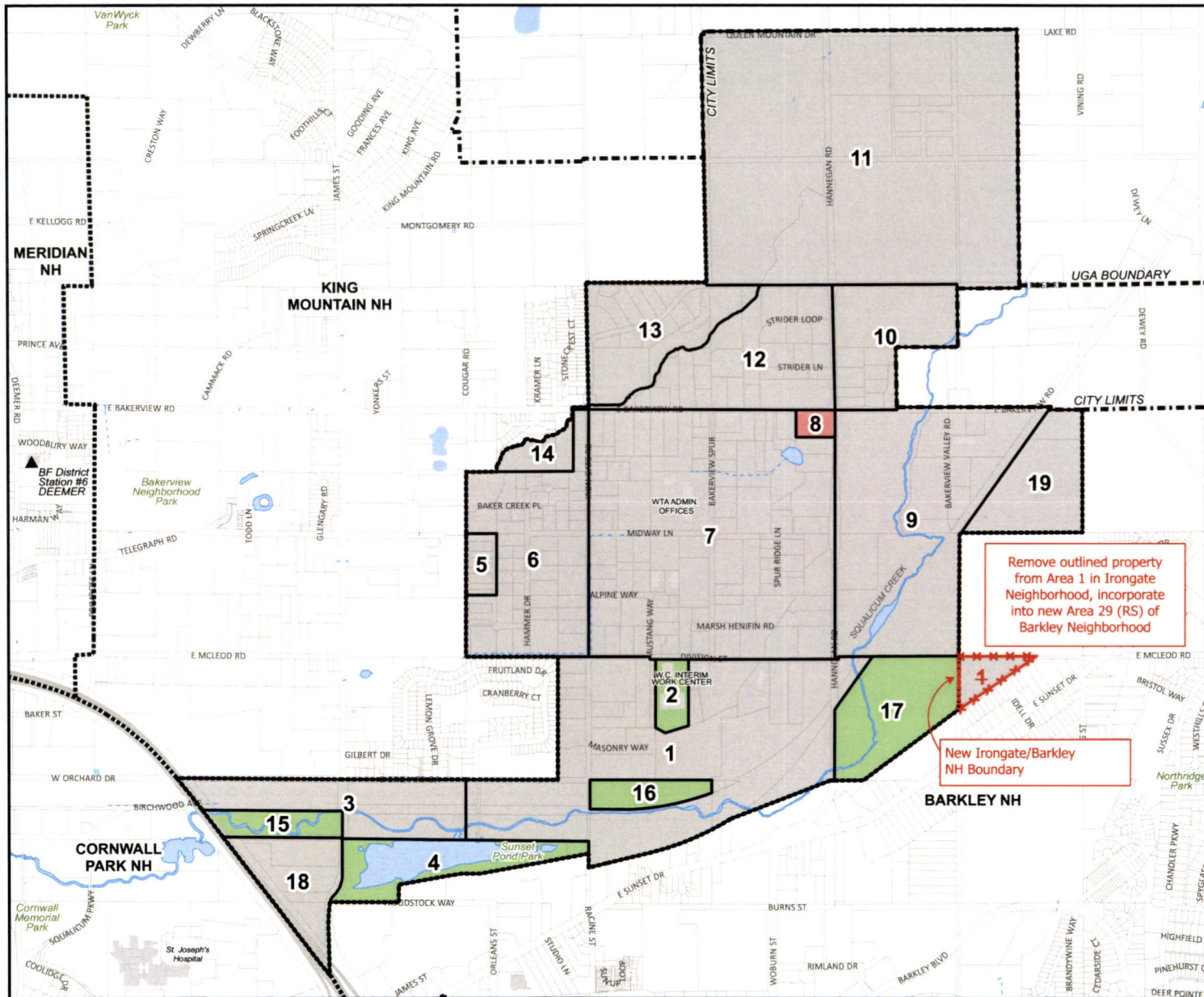
AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Industrial
2	Public
3	Industrial
4	Public
5	Industrial
6	Industrial
7	Industrial
8	Commercial
9	Industrial
10	Industrial
11	Industrial
12	Industrial
13	Industrial
14	Industrial
15	Public
16	Public
17	Public
18	Industrial
19	Industrial



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EXHIBIT B

Irongate Neighborhood Zoning Map

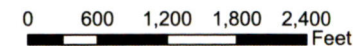


IRONGATE NEIGHBORHOOD ZONING

AREA	ZONING DESIGNATION
1	Industrial, Light/Planned
2	Public, Govt. Svcs.
3	Industrial, Light/Planned
4	Public, Open Space/Park
5	Industrial, Light
6	Industrial, Light
7	Industrial, Heavy
8	Commercial, Neighborhood
9	Industrial, Planned
10	Industrial, Planned
11	Industrial, Planned
12	Industrial, Planned
13	Industrial, Planned
14	Industrial, Planned
15	Public, Open Space/Trail
16	Public, Open Space
17	Public, Open Space
18	Industrial, Light
19	Industrial, Planned

Remove outlined property from Area 1 in Irongate Neighborhood, incorporate into new Area 29 (RS) of Barkley Neighborhood

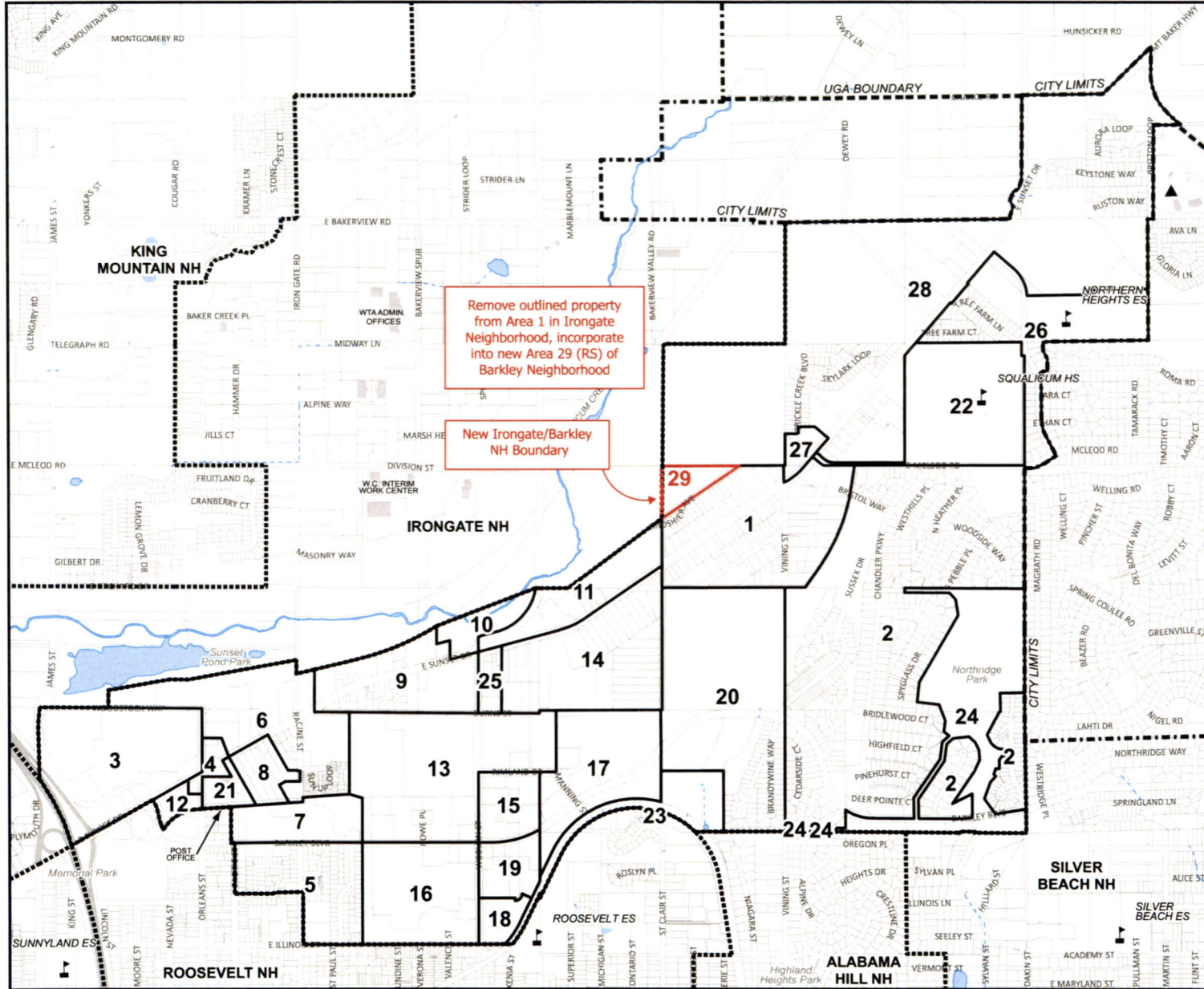
New Irongate/Barkley NH Boundary



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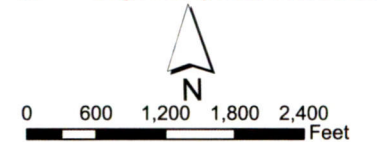
EXHIBIT C

Barkley Neighborhood Comprehensive Plan Land Use Map



BARKLEY NEIGHBORHOOD LAND USE

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Single Family Res., Low Density
2	Multi-Family Res., Low Density
3	Commercial
4	Commercial
5	Multi-Family Res., Med. Density
6	Multi-Family Res., High Density
7	Multi-Family Res., High Density
8	Multi-Family Res., High Density
9	Multi-Family Res., High Density
10	Multi-Family Res., High Density
11	Multi-Family Res., High Density
12	Commercial
13	Industrial
14	Industrial
15	Commercial/Industrial
16	Comm./Indus./Multi-Family Res., Med. Density
17	Comm./Indus./Multi-Family Res., Med. Density
18	Commercial/Industrial
19	Commercial/Industrial
20	Industrial/Multi-Family Res., Med. Density
21	Public
22	Public
23	Public
24	Public
25	Commercial
26	Single Family Res., Low Density
27	Commercial
28	Single Family Res., Med. Density
29	Single Family Res., Med. Density



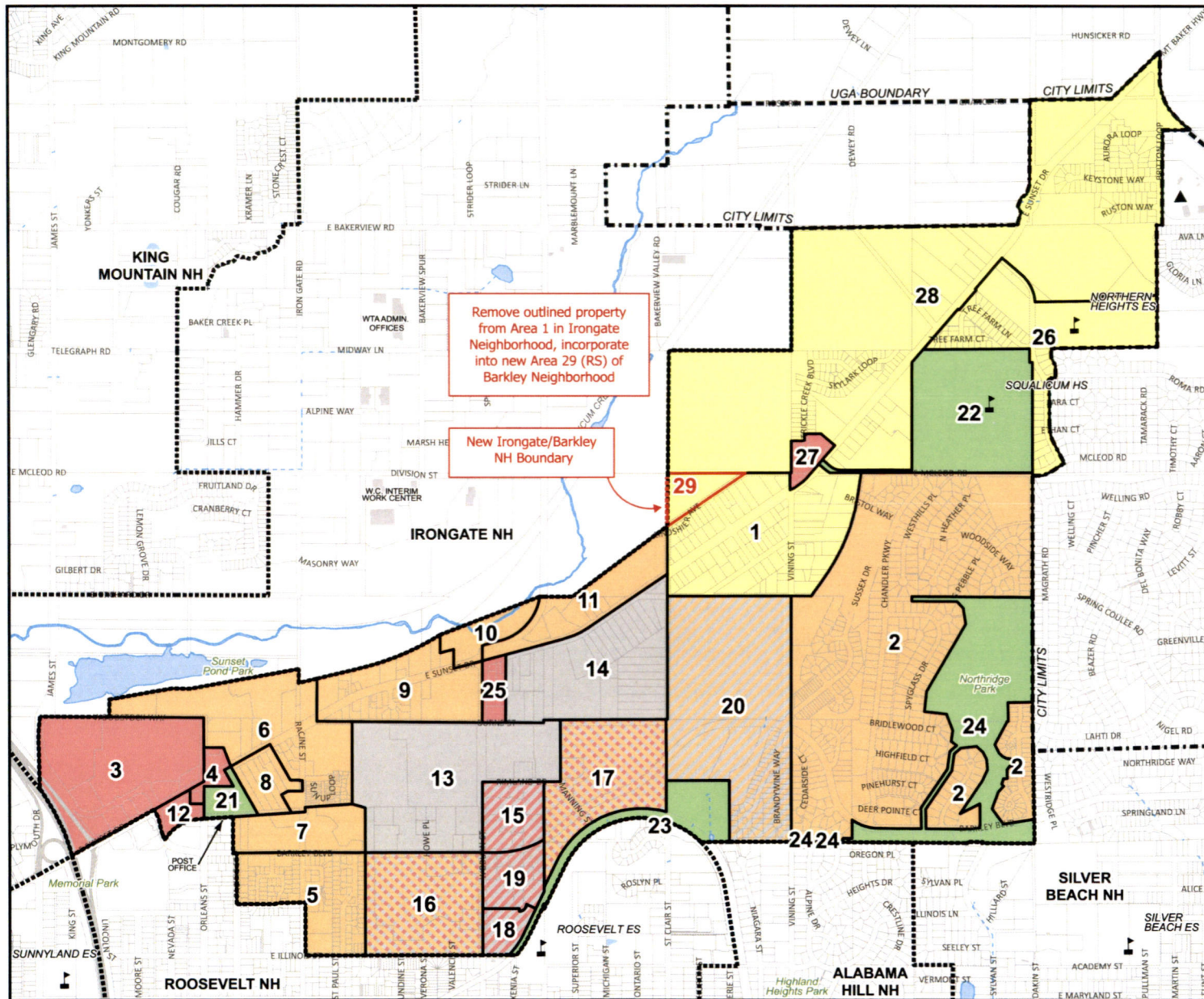
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EXHIBIT D

Barkley Neighborhood Zoning Map

BARKLEY NEIGHBORHOOD ZONING

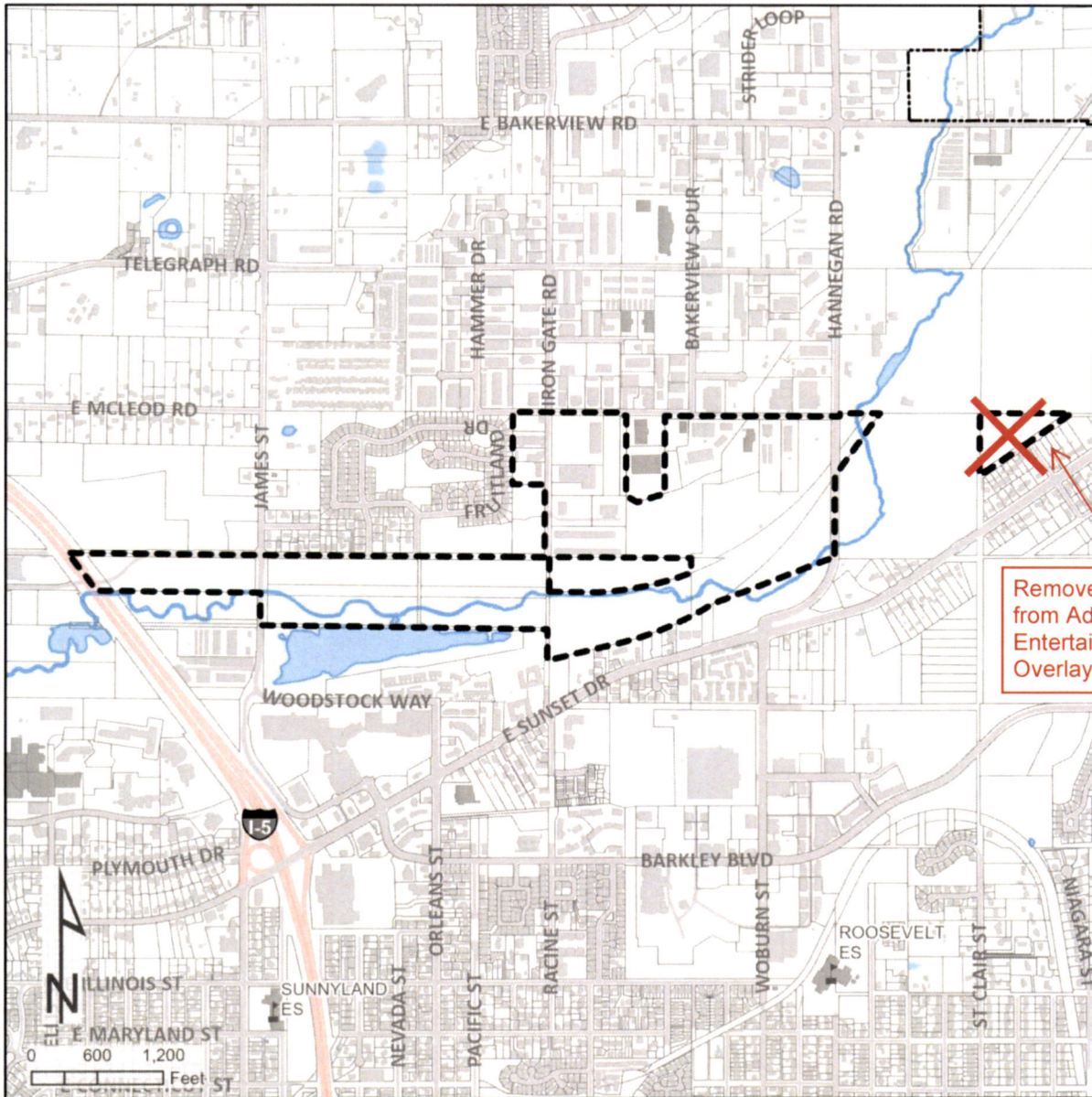
AREA	ZONING DESIGNATION
1	Res. Single
2	Res. Multi, Planned
3	Commercial, Planned
4	Commercial, Neighborhood
5	Res. Multi, Planned
6	Res. Multi, Multiple
7	Res. Multi, Planned
8	Res. Multi, Mixed/Planned
9	Res. Multi, Multiple
10	Res. Multi, Planned
11	Res. Multi, Planned
12	Commercial, Planned
13	Industrial, Planned
14	Industrial, Planned
15	Commercial/Industrial, Planned
16	Comm./Indus./Res. Multi, Planned
17	Comm./Indus./Res. Multi, Planned
18	Commercial/Industrial, Planned
19	Commercial/Industrial, Planned
20	Industrial/Res. Multi, Planned
21	Public, Govt. Svcs.
22	Public, School
23	Public, Open Space/Trail
24	Public, Park/Trail
25	Commercial, Planned
26	Res. Single
27	Commercial, Planned
28	Res. Single
29	Res. Single



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EXHIBIT E

Adult Entertainment Overlay District Map



Remove property
from Adult
Entertainment District
Overlay Map.

EXHIBIT F

Bellingham Planning Commission Findings of Fact, Conclusions, and Recommendation

Exhibit 3

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 by a 6-0 vote that the proposed alternative rezone #2 below complies with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

I. FINDINGS OF FACT

1. Applicant's Original Proposal:

On behalf of the property owner, Bill Geyer, AICP, submitted a request for a comprehensive plan amendment to rezone a property located at 2825 Lindshier Avenue in Area 1 of the Irongate Neighborhood from Industrial, Planned to Residential, Single. As part of the proposal, the applicant requested the property be added to Area 1 of the Barkley Neighborhood, which is currently zoned Residential, Single and has a minimum density of 10,000 square feet per dwelling unit.

2. Planning Commission Alternative Rezoning Proposal:

At the June 1, 2023 Planning Commission meeting, an alternative zoning option was proposed by the Commission to rezone the property located 2825 Lindshier Avenue in Area 1 of the Irongate Neighborhood from Industrial, Planned to Residential, Single with a 7,200 square foot density and a detached and cluster land use qualifier. Under this alternative proposal, a new subarea (Area 29) in the Barkley Neighborhood would be created.

3. Background Information/Procedural History:

Property History

Originally, in 1928, the property was included as part of the "Lindshier Gardens" plat, which extended south to Orchard Drive and East to Vining Street. Utilizing City GIS Data, it appears that most parcels in this portion of Area 1 in the Barkley Neighborhood developed in accordance with the original Lindshier Gardens Plat.

In 2010, the former Mt. Baker Neighborhood was divided into two new neighborhoods, Irongate and Barkley. The creation of the two new neighborhoods was intended to accurately reflect similar zoning and uses within each new neighborhood. As part of that amendment process, no land use designations changed. The Irongate Neighborhood mainly included the industrial zoned areas, and the Barkley Neighborhood included the areas that were zoned commercial and residential. The subject property was included in the Irongate Neighborhood, as the property was zoned industrial at that time. The subject

property is limited to the zoning regulations of the underlying Industrial zoning designation relating to use and development.

Additionally, as indicated in BMC 20.12.080, the subject property is currently located within the Adult Entertainment Overlay District (AEO). Therefore, if the property is rezoned to a Residential, Single designation, staff is proposing to amend the AEO to remove the property from the overlay as part of the adopting ordinance. Future code updates to the AEO boundaries resulting from past legislative comprehensive plan amendments that affected the AEO boundaries are forthcoming later this year.

20.00.092 Irongate neighborhood table of zoning regulations | Bellingham Municipal Code

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1	Industrial	Planned; light manufacturing and warehousing only. (Resos. 40-83, 25-85, 18-86, PC 87-12, 87-16)	N/A.	Floodplain; floodway; shoreline; wetlands; clearing; buffer residential	Access should be developed through nonresidential areas.	None

Procedural History

On June 6, 2022, the City Council approved Resolution 2022-12 and established the 2022-2023 docket of comprehensive plan amendments to be reviewed in the next amendment cycle.

On September 27, 2022, the Planning and Community Development Department received a docketing application from the property owner's agent requesting a comprehensive plan amendment to rezone a property located at 2825 Lindshier Avenue from Industrial, Planned in Area 1 of the Irongate Neighborhood to Residential, Single in Area 1 of the Barkley Neighborhood Plan.

On December 12, 2022, per Bellingham Municipal Code 21.10.150.B.1.c, the City Council Committee of the Whole added this docketing request to 2022-2023 docket of comprehensive plan amendments.

On January 15, 2023, the applicant submitted applications for a comprehensive plan amendment, rezone, and State Environmental Policy Act (SEPA) review.

On February 23, 2023, the applicant held an in-person neighborhood meeting. The purpose of the meeting was to introduce the proposed comprehensive plan amendment and rezone

to the public and address any public comment related to the proposal. Six members of the public attended the meeting, and no negative testimony was provided relating to the proposed amendment.

Per BMC 21.10.180 B, the PCDD accepted the applicant's comprehensive plan and rezone application materials on February 24, 2023, after the required neighborhood meeting was held.

On June 1, 2023, the Planning Commission conducted a public hearing regarding the rezone.

4. Comprehensive Plan Goals and Policies:

The City's Comprehensive Plan identifies the goals and policies that are used as a guide for legislative and administrative decisions regarding changes to the Comprehensive Plan and development codes.

GOAL LU-1: Support sense of place in neighborhoods.

Policy LU-1: The Single-Family Residential designation permits a range of housing densities to achieve the City's housing diversity and affordability goals...

Policy LU-3:

Residential, Low Density – 7,201 or more square feet per dwelling unit (5 or less units per acre). The Low-Density Residential Designation should be used for land that is not suited for more intense urban development because of environmentally sensitive areas and/or public facility or utility capacity limitations.

Residential, Medium Density – 3,600 to 7,200 square feet per dwelling unit (6 to 12 units per acre). The Medium-Density Residential designation should be used for land that is suitable for moderate density development.

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

Policy LU-11: As neighborhood plans are developed and updated, important priorities and issues should be identified, including: Protection of critical areas and other environmentally-sensitive areas.

GOAL LU-5: Support the Growth Management Act's goal to encourage growth in urban areas.

Policy LU-62: Evaluate all rezone proposals for potential impacts on the available supply of residential, commercial, and industrial zoned land.

GOAL H-1: Ensure that Bellingham has a sufficient quantity and variety of housing types and densities to accommodate projected growth and promote other community goals.

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

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-30: Develop or support programs that seek to provide an increased supply of workforce housing.

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

5. Public Comment:

A pre-application neighborhood meeting for the proposed comprehensive plan amendment and rezone proposal was held on February 23, 2023. The purpose of the meeting was to introduce the proposed comprehensive plan amendment and rezone to the public and address any public comment related to the proposal. Six members of the public attended the meeting, and no negative testimony was provided relating to the proposed amendment.

On April 26, 2023, notice of the City's intent to adopt the proposed amendment was sent to the Washington State Department of Commerce.

Per BMC 21.20, notice of the Planning Commission Public Hearing was mailed to neighborhood representatives and associations and to property owners within 500-feet of the subject property. The notice was also published in the Bellingham Herald, posted on City website notice locations, and a notice sign was posted on the site.

After the notice was published, and prior to the Planning Commission Public Hearing, the applicant sent a letter of support for the proposed rezone and comprehensive plan amendment as described in the staff report. At the Planning Commission Public hearing, the applicant provided testimony on behalf of the property owner stating they were comfortable with staff's recommendation to the Planning Commission to approve the rezone request, however, if additional density is sought for the site, the Planning Commission could consider adding the property to Area 28 of the Barkley Neighborhood. This area is directly north of the subject site and has a 7,200 sq. ft. density with a cluster use qualifier.

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

A non-project Determination of Non-Significance was issued on April 6, 2023. Within the 14-day SEPA comment period, no public comment was submitted.

7. 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 subject site is currently disconnected from the industrial area in the Irongate Neighborhood due to its proximity to Squalicum Creek, the associated shoreline, floodplain, wetlands, and steep slopes. The abutting properties to the west and north also add to the separation, which are currently zoned Public, Open Space to the west and Residential, Single to the north. Furthermore, BMC 20.20.092 states that access to Area 1 of the Irongate Neighborhood should be through nonresidential areas, which may not be feasible given the above-mentioned critical areas and abutting nonindustrial zones. Staff believes that the intent of that provision was for the western portion of Area 1 of the Irongate Neighborhood, which is adjacent to a Residential, Single zoning designation in Area 14 of the King Mountain Neighborhood.

As the subject property was included in the initial "Lindshier Gardens" plat for the residential neighborhood, it has a direct connection with the surrounding residential development in Area 1 of the Barkley Neighborhood.

The Commission finds that this criterion has been met for proposal #2

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 evaluating the land use development code to ensure that vacant and underutilized land is used as efficiently as possible. Since the original platting of the subject property (1928), the site has remained vacant. The current industrial land use designation may not be suitable for the site given the barriers to access the property through nonresidential streets. There is an immediate need for housing in the City of Bellingham, and the proposed amendment will help implement several goals and policies of the Comprehensive Plan (Section V), such as supporting housing opportunities and reviewing the zoning/development standards of vacant/underutilized lands in order to ensure the land is used as efficiently as possible.

The Commission finds that this criterion has been met for proposal #2.

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 relating to the property and surrounding area. As the property is physically isolated from the industrial area of

the Irongate Neighborhood and contains critical areas on a majority of the northern portion of the property, the site may not be suitable for industrial development. Given these site conditions, the property may be better suited for low or medium density residential development. The Bellingham Comprehensive Plan Policy LU-3 provides guidance for such instances, which states:

Policy LU-3:

Residential, Low Density – 7,201 or more square feet per dwelling unit (5 or less units per acre). The Low-Density Residential Designation should be used for land that is not suited for more intense urban development because of environmentally sensitive areas and/or public facility or utility capacity limitations.

Residential, Medium Density – 3,600 to 7,200 square feet per dwelling unit (6 to 12 units per acre). The Medium-Density Residential designation should be used for land that is suitable for moderate density development.

Under a residential zoning classification, access to the site may utilize the existing street network and the property owner would have the opportunity to develop the property with housing that is consistent with the surrounding area. If the subject property is rezoned from Industrial, Planned to Residential, Single the amendment will have a minimal impact on the City's industrial land supply.

The Commission finds that this criterion has been met for proposal #2.

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 will result in a long-term benefit to the community and is in the community's overall best interest. As previously mentioned, the limited access and critical areas may preclude the property from developing into an industrial use. Housing creation is an immediate need for the City, and the proposed amendment will provide an incremental increase to Bellingham's housing stock in an existing residential area.

Previously, on July 19, 2022, a neighborhood meeting was held for a potential industrial use proposal under the existing industrial zoning designation. The proposal included four separate industrial buildings and associated parking. The project received public testimony from several neighboring property owners opposing the proposal due to concerns with an industrial type use on the site. Specifically, there was concern the proposal would increase truck traffic in the neighborhood given the nature of the intended uses. Members of the public even recommended that the property should be zoned for residential use.

The Commission finds that this criterion has been met for proposal #2.

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. Any future development will have to go through land use permitting and applicable environmental review.

The Commission finds that this criterion has been met for proposal #2.

- 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 criterion B.1. and B. 2.

The Commission finds that this criterion has been met for proposal #2.

- 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 for proposal #2.

- 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 for proposal #2.

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

The subject property is suitable for development in general conformance with zoning standards under the proposed Residential, Single zoning designation. Subsequent development proposals will have to meet requirements and development standards in the Bellingham Municipal Code.

The Commission finds that this criterion has been met for proposal #2.

- 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. Based on the Public Works Department initial evaluation, access from Idell Drive off E Sunset Drive/SR 542 is sufficient to serve future residential development.

The Commission finds that this criterion has been met for proposal #2.

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

See the discussion Comprehensive Plan amendment criterion B. 4.

The Commission finds that this criterion has been met for proposal #2.

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 criterion B.2 and B.3.

The Commission finds that this criterion has been met for proposal #2.

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

See the discussion under Section IV of the staff report and Comprehensive Plan amendment criterion A. and B. 2.

The Commission finds that this criterion has been met for proposal #2.

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 for proposal #2.

II. CONCLUSIONS

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

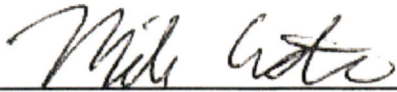
1. The Residential, Single designation is an appropriate zoning designation for the site and helps achieve land use, housing, and economic development related goals and policies in the Comprehensive Plan.
2. Under the Residential, Single designation, a density of 7,200 square feet per dwelling unit, with a detached and cluster use qualifier will provide more flexibility for the property to be developed with housing than the 10,000 square feet per dwelling unit allowed under Area 1 of the Barkley Neighborhood.

3. Given the environmental constraints associated with the property, creating a new subarea for the property and adding a detached and cluster land use qualifier would provide the property owner with the option to pursue a cluster subdivision, which allows development standards to be modified in order to provide open space, recreational opportunities or other public benefit without increasing the overall density and additionally would have the option to use infill toolkit housing forms.
4. Rezoning the site from Industrial to Residential provides a more suitable connection to the existing residential neighborhood along Lindshier Avenue while considering the environmentally sensitive areas on and near the site.
5. 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.

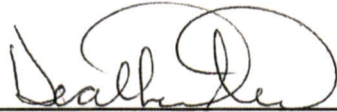
III. RECOMMENDATIONS

Based on the findings and conclusions, the Planning Commission recommends, with a 6-0 vote, that the City Council approve the Residential, Single zoning designation and create a new subarea (Barkley Area 29), which has a 7,200 square foot density and a detached and cluster land use qualifier.

ADOPTED this 1ST day of June, 2023.



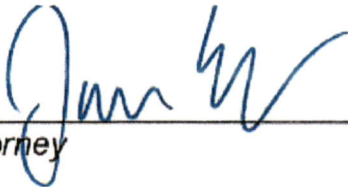
Planning Commission Chairperson



ATTEST:

Recording Secretary

APPROVED AS TO FORM:



City Attorney