

**ORDINANCE NO. 2023-11-034**

**AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM COMPREHENSIVE PLAN TO REZONE TWO PROPERTIES LOCATED AT 4160 COUGAR RD IN AREA 6 OF THE KING MOUNTAIN NEIGHBORHOOD FROM RESIDENTIAL, SINGLE TO PUBLIC, SCHOOL.**

**WHEREAS**, the City of Bellingham has adopted 25 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the King Mountain 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 from the Bellingham School District (the District) requesting a comprehensive plan amendment to rezone two properties totaling approximately 16.9 acres located at 4160 Cougar Rd in Area 6 of the King Mountain Neighborhood from Residential, Single to Public; and

**WHEREAS**, the City Council held a public meeting on June 6, 2022, and placed the proposed comprehensive amendment and rezone on the annual 2022-2023 list of comprehensive plan amendments; and

**WHEREAS**, on September 13, 2022, the District held a neighborhood meeting to introduce the proposed comprehensive plan amendment and rezone to the public; and

**WHEREAS**, on October 21, 2022, the City accepted the applicant's completed applications for a comprehensive plan amendment, rezone, and State Environmental Policy Act (SEPA) review; and

**WHEREAS**, the proposed comprehensive plan amendment and rezone will establish a new Area 16 in the King Mountain Neighborhood zoned Public, School, which includes the subject parcels; and

**WHEREAS**, on October 25, 2021 the City Council incorporated the Bellingham School District's 2021-2026 Capital Facilities Plan (CFP) into the Bellingham Comprehensive Plan by reference; and

**WHEREAS**, the District's 2021-2026 CFP includes current information regarding public school facilities, the district's standard of service, student enrollment projections, classroom capacities, impact fees, and a finance plan for capital improvements needed to serve new residential growth through 2027, and

**WHEREAS**, the District's 2021-2026 CFP identifies the site of the proposed amendment as a future elementary school that is planned for completion in 2025; 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 18, 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 2, 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 15, 2022; 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 September 25, 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 King Mountain Neighborhood Comprehensive Plan Land Use Map is hereby amended as shown in EXHIBIT A.

**Section 2.** The King Mountain Neighborhood Zoning map is hereby amended as shown in EXHIBIT B.



**Section 3.** Bellingham Municipal Code 20.00.095 King Mountain Neighborhood Table of Zoning Regulations is hereby amended to add a new subarea, Area 16, as follows:

20.00.095 King Mountain neighborhood table of zoning regulations (Bellingham Municipal Code)

| Area | Zoning      | Use Qualifier | Density | Special Conditions   | Prerequisite Considerations   | Special Regulations  |
|------|-------------|---------------|---------|--|---|--|
| 1-15 | [No change] |               |         |  |   |  |
| 16   | Public      | School        | None    | <p><u>Critical areas.</u></p> <p><u>In addition to arterial streets, provide local pedestrian and bicycle access between adjacent developments.</u></p> <p><u>Limit access points on arterial streets.</u></p> <p><u>Construct and mitigate for public trails, bicycle lanes, and pedestrian connections as indicated in the Parks, Recreation, and Open Space Plan and the Bicycle and Pedestrian Master Plans. Include connections to city trail systems and between new residential developments.</u></p> | <p><u>Improvement of E. Bakerview Rd. to ¾ arterial street standard.</u></p> <p><u>Improvement of Cougar Road to ¾ residential street standard.</u></p> | <p><u>In addition to arterial streets, provide local pedestrian and bicycle access between adjacent developments.</u></p> <p><u>Limit access points on arterial streets.</u></p> <p><u>Construct and mitigate for public trails, bicycle lanes, and pedestrian connections as indicated in the Parks, Recreation, and Open Space Plan and the Bicycle and Pedestrian Master Plans. Include connections to city trail systems and between new residential developments.</u></p> <p><u>Improve Cougar Rd access to the Area to provide capacity for anticipated trips, queuing, and parking volumes.</u></p> |

**Section 4.** Trail construction, multimodal connections, and street improvements as outlined in the King Mountain Zoning Table for Area 16 shall be completed or incorporated within the proposed project prior to the issuance of a building permit for construction within Area 16.

**Section 5.** The King Mountain Neighborhood Plan is hereby amended as follows:

## VI. NEIGHBORHOOD SUBAREA DESCRIPTIONS

The King Mountain Neighborhood's ~~((1,057))~~ approximately 1,060 acres are divided into ~~((46))~~ 17 distinct subareas. This includes two subareas (12 and 13) that were added to the neighborhood in 2009 through annexation. Three subareas (14, 14A and 15) were added in 2010 when the Mt. Baker Neighborhood was divided into three neighborhoods. The neighborhood is primarily designated for low to medium density single family development and medium to high density multifamily development as ~~shown below and~~ listed in the following pages:

|                           |                    |
|---------------------------|--------------------|
| Single Family Residential | 486 acres          |
| Multifamily Residential   | 559 acres          |
| Single and Multi Mixed    | 7 acres            |
| Public                    | 4 acres            |
| <b>TOTAL</b>              | <b>1,056 acres</b> |

[Areas 1-5: No Change]

### Area 6

This area is comprised of approximately ~~((87))~~ 70 acres and became part of the new King Mountain Neighborhood when it was annexed to Bellingham in 2009. The area lies generally between Montgomery Road on the north and East Bakerview Road on the south, excluding that area which comprises Area 16 and includes the site for an elementary school. James Street Road forms a portion of the west boundary along with private property. Irongate Road and private property forms the area's boundary to the east.

Topography in the area is generally flat with gentle rolling hills. Several tributaries of Baker Creek including Telegraph Creek extend through the area in a northeast/southwest alignment. Significant wetland systems associated with these creeks have been identified immediately south of Montgomery Road and occupy a large portion of the area. Gentle hummock and swale terrain lies next to the creek tributaries. As development occurs in Area 6, critical areas including streams and wetlands should be protected and incorporated into site design.

Residential development is primarily concentrated in two subdivisions located in the southeast corner of the area. Kramer Lane and Stonecrest subdivisions take access from East Bakerview Road and Irongate Road. Scattered single family development on large lots is located along Cougar Road, Montgomery Road and James Street Road. An agricultural nursery is located at the terminus of Montgomery Road. Cougar Road provides a north-south access from East Bakerview Road to the central portion of the neighborhood. ~~A study should determine if Cougar Road can provide linkage between East Bakerview and Montgomery Road. Linkage of these two roads would improve transportation circulation and connectivity for the area. A new east-west collector arterial~~



~~connection should also be considered in Area 6 as it would provide a through connection between Irongate Road, Kramer Lane, Cougar Road, James Street Road, Cammack Road, Landon Avenue, and Deemer Road to the west. This linkage would enhance transportation circulation and connectivity in the northern half of the neighborhood.~~

Area 6 is generally a single family area, but it has the potential for a mix of multifamily development. Duplex and multifamily units should be allowed using the planned residential Chapter BMC 20.38, but should not exceed 25% of the total approved units in a subdivision. No more than 4 single family attached dwelling units should be allowed.

Public trails should be provided as indicated in the Parks, Recreation, and Open Space Plan ~~North Bellingham Trail Plan~~ with connections to existing residential development and city trail systems with new residential development. A neighborhood park would be appropriate to serve the area. Roads serving Area 6 include Montgomery Road at the north edge of the area, Cougar Road, Kramer Lane, Irongate Road and East Bakerview Road. Montgomery Road provides east-west access to the southern half of the neighborhood. This road should be improved to a minimum standard residential street or greater prior to development of property using Montgomery for access. A potential link between Montgomery Road and Irongate Road should be studied to improve transportation circulation and connectivity. Cougar Road provides north-south access to the area from East Bakerview Road and should be improved to residential standard. ~~A feasibility study should be conducted to determine if Cougar Road could be extended west to connect with James Street Road and east to Kramer Lane. A connection to Montgomery Road to the north should also be studied. If feasible, the connection would provide more efficient traffic circulation in the area.~~

James Street Road should be improved to full secondary arterial standard as development occurs and East Bakerview Road improvements should include full principal arterial standards. Access points on arterials should be limited. In addition to arterial streets, development should require local pedestrian and vehicular access between adjacent developments. Shared access should be encouraged.

Kramer Lane provides access to a 43-single family detached subdivision constructed in 1999. When the subdivision was created, road connections were provided to serve properties to the east and west as development occurred. A new east-west road section connects Kramer Lane and Irongate Road. A new road section should be required as development occurs west of Kramer Lane.

**Section 6.** The King Mountain Neighborhood Plan is hereby amended to add a new subarea, Area 16, as follows:

This area is comprised of approximately 16.9 acres and is the site of a Bellingham School District elementary school. The terrain in this area is relatively flat and located in

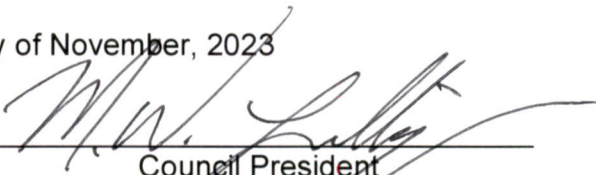
the Squalicum Creek Watershed. According to City records, several wetlands are located adjacent to and within the subarea, providing Important Wildlife Habitat along the north side of the subarea. Further analysis may be necessary to confirm the classification and location of these critical areas. Public trails, bicycle lanes, and pedestrian network shall be provided as indicated in the Parks, Recreation, and Open Space Plan and the Bicycle and Pedestrian Master Plans.

**AREA 16 LAND USE DESIGNATION: PUBLIC**

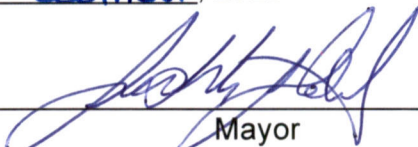
**Section 7.** The City Council agrees with and hereby adopts the Planning Commission's Findings, Conclusions, and Recommendations, attached as EXHIBIT C.

**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

**PUBLISHED:**

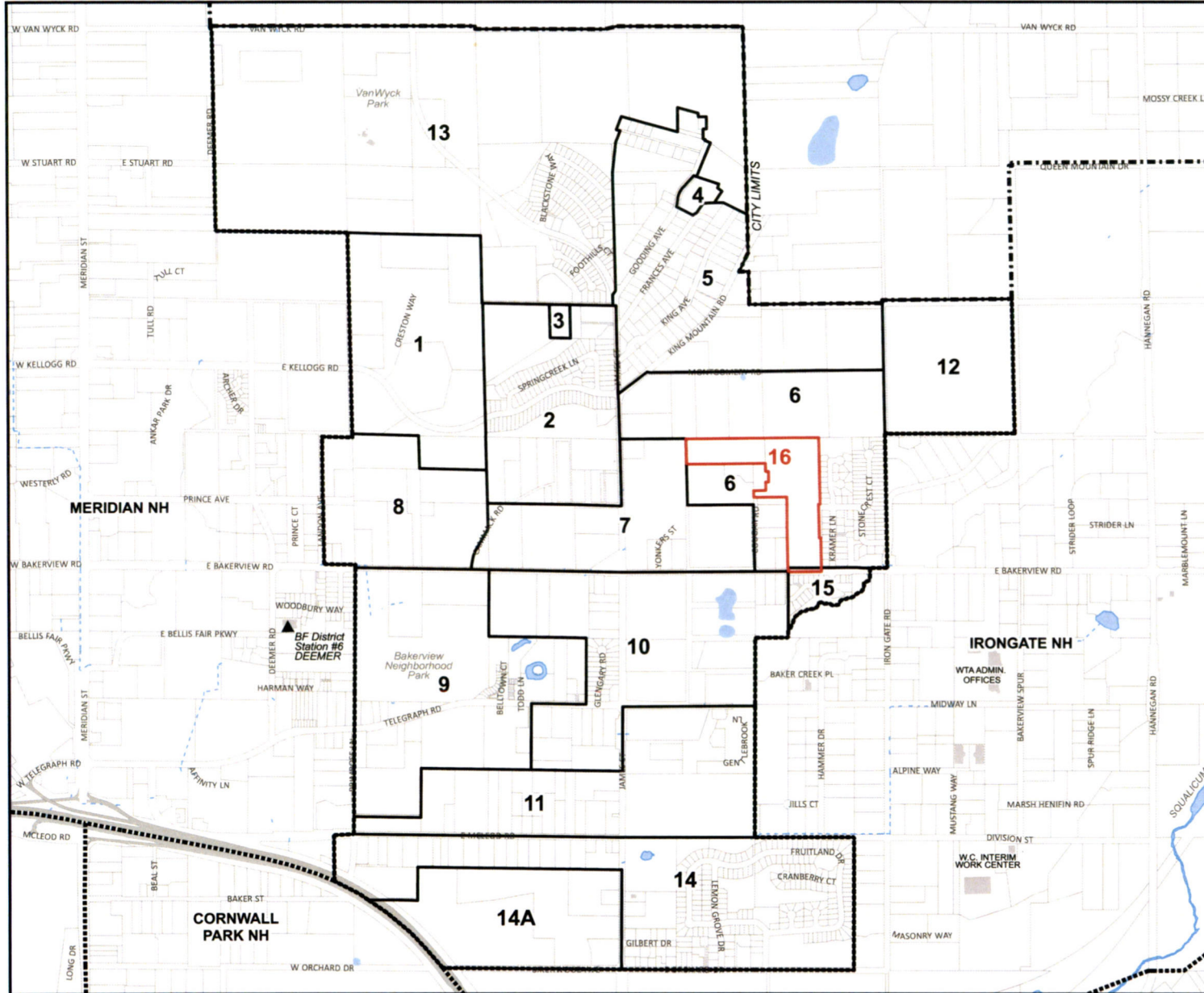
November 24, 2023

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



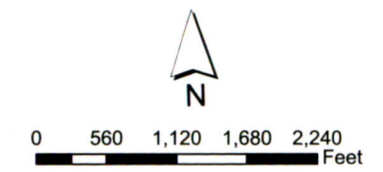
## **EXHIBIT A**

### King Mountain Neighborhood Land Use Map



# **KING MOUNTAIN NEIGHBORHOOD LAND USE**

| AREA | COMPREHENSIVE PLAN<br>LAND USE DESIGNATION |
|------|--|
| 1    | Multi-Family Res., High Density            |
| 2    | Single Family Res., Med. Density           |
| 3    | Public                                     |
| 4    | Public                                     |
| 5    | Single Family Res., Med. Density           |
| 6    | Single Family Res., Med. Density           |
| 7    | Single Family Res., Med. Density           |
| 8    | Multi-Family Res., Med. Density            |
| 9    | Multi-Family Res., Med. Density            |
| 10   | Multi-Family Res., Med. Density            |
| 11   | Single Family Res., Med. Density           |
| 12   | Single Family Res., Med. Density           |
| 13   | Multi-Family Res., Med. Density            |
| 14   | Single Family Res., Med. Density           |
| 14A  | Multi-Family Res., Med. Density            |
| 15   | Single/Multi-Family Res., Low Density      |
| 16   | Public                                     |

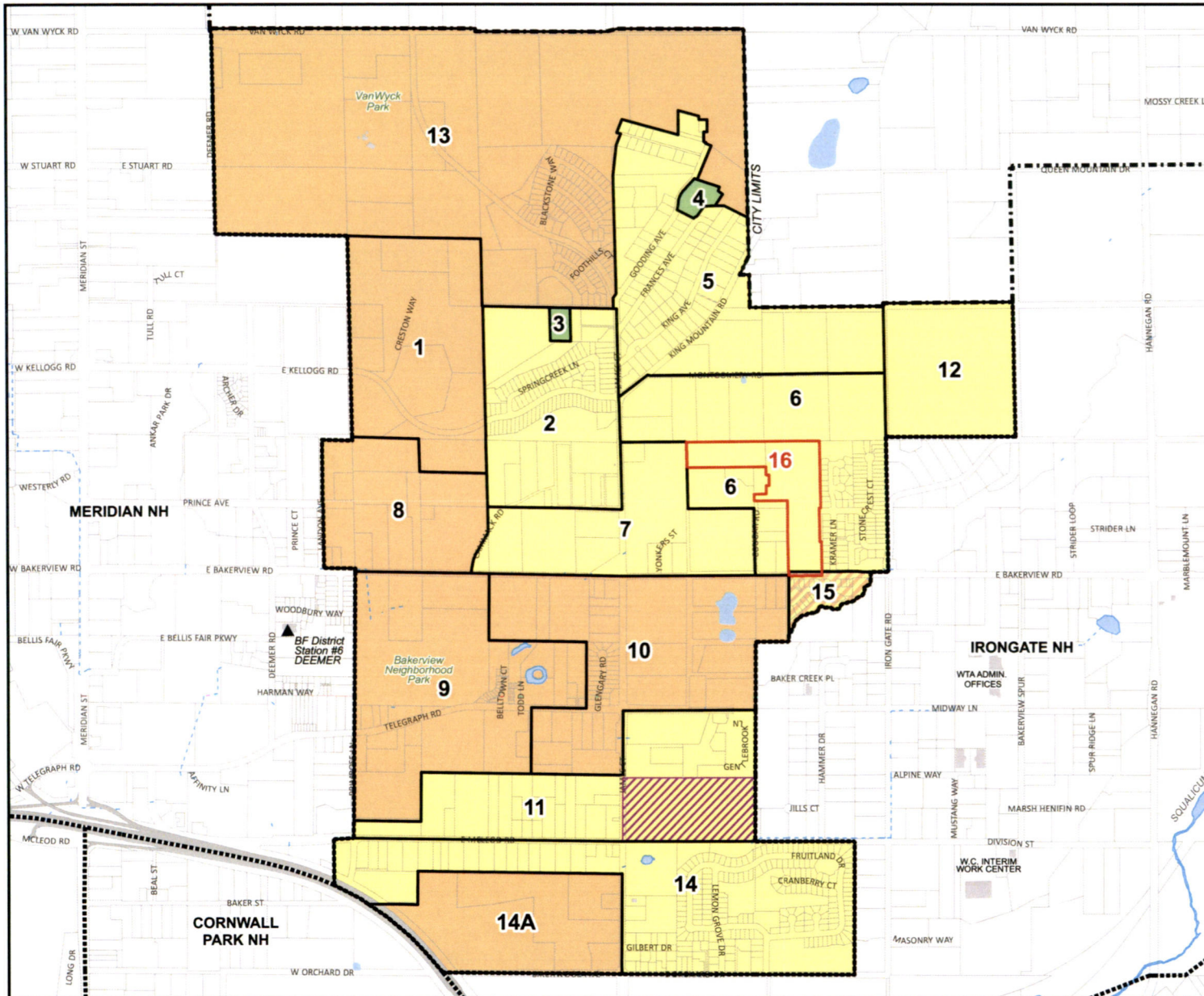


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## **EXHIBIT B**

### **King Mountain Neighborhood Zoning Map**



# KING MOUNTAIN NEIGHBORHOOD ZONING

 Manufactured Home Park Overlay  
(BMC 20.35.120)

| AREA | ZONING DESIGNATION              |
|------|---------------------------------|
| 1    | Res. Multi, Planned             |
| 2    | Res. Single                     |
| 3    | Public, Park                    |
| 4    | Public, Park                    |
| 5    | Res. Single                     |
| 6    | Res. Single                     |
| 7    | Res. Single                     |
| 8    | Res. Multi, Planned             |
| 9    | Res. Multi, Planned             |
| 10   | Res. Multi, Planned             |
| 11   | Res. Single                     |
| 12   | Res. Single                     |
| 13   | Res. Multi, Planned             |
| 14   | Res. Single                     |
| 14A  | Res. Multi, Mixed/Planned       |
| 15   | Res. Single/Res. Multi, Planned |
| 16   | Public, School                  |



0 560 1,120 1,680 2,240 Feet

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4/25/2023, knewell



## **EXHIBIT C**

### **Planning Commission**

#### **Findings of Fact, Conclusions and Recommendations**

## **Attachment 3**

# **BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS**

**JUNE 15, 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:**

The Bellingham School District (The District) submitted a request for a Comprehensive Plan amendment to rezone two properties located at 4160 Cougar Rd in Area 6 of the King Mountain Neighborhood from Residential, Single to Public, School. The properties are situated north of E Bakerview Rd between James St and Kramer Ln, with access from the east side of Cougar Rd and the west side of Kramer Ln along Aletha Ln.

Proposed amendments to the Bellingham Municipal Code (BMC) and King Mountain Neighborhood Plan are shown in the draft ordinance. Additionally, the Planning Commission recommends an amendment to the draft ordinance as outlined in section 6.B.3 below.

#### **2. Background Information/Procedural History:**

##### Property History

The subject properties are primarily forested and pasture areas with no development improvements today. They are located in the King Mountain Neighborhood, an area that was annexed to Bellingham in 2009. Many of the surrounding areas in North Bellingham were annexed to the City in the 1990s and 2000s, with urban levels of residential development that followed. The District purchased the subject properties in 2011 with the intention of later constructing a school on the site to serve the northern portion of the District. They received a permit in 2012 to demolish the single family home and barn that had previously existed on the larger of the properties.

The subject properties are limited to the zoning regulations of the underlying Residential, Single (RS) zoning designation relating to use and development, as shown on the next two pages.



1 20.00.095 King Mountain neighborhood table of zoning regulations | Bellingham Municipal Code

| Area | Zoning             | Use Qualifier   | Density   | Special Conditions   | Prerequisite Considerations   | Special Regulations  |
|------|--------------------|---|---|--|---|--|
| 6    | Residential Single | Detached, cluster, cluster attached and cluster detached; mixed: limited duplex and multifamily (see Special Regulations) | <p>7,200 sq. ft. per dwelling unit for detached and cluster lots, up to 4,300 sq. ft. per dwelling unit using cluster bonus provisions in Chapter 23.08 BMC or adopted city TDR program or the "fee-in-lieu-of" option. Under the fee-in-lieu-of option, a property owner/developer can purchase additional density by paying a fee to the city's Lake Whatcom watershed property acquisition program (LWWPAP).*</p> <p>The fee for density bonus is calculated on a per dwelling unit basis according to a fee schedule established by the city council. One unit of additional density will be allowed for each unit purchased through use of this option.</p> <p>An applicant's submittal for land use review shall include a letter from the Bellingham finance department documenting the amount to be contributed to the LWWPAP.</p> <p>Lots not created by cluster subdivision: 5,000 sq. ft. minimum detached lot size and a maximum density of 7,200 sq. ft. per unit.</p> | <p>In addition to arterial streets, provide local pedestrian and vehicular access between adjacent developments.</p> <p>Limit access points on arterial streets. Shared access is encouraged.</p> <p>Provide public trails as indicated in the North Bellingham Trail plan with connections to existing city trail systems and new residential developments.</p> | <p>Improvement of James Street Rd. to full secondary arterial standard.</p> <p>Improvement of E. Bakerview Rd. to full primary arterial standard.</p> <p>Upgrades to the James Street water pump station to serve existing and future lots with fire flow.</p> <p>Improvement of Montgomery Rd. to a minimum standard residential street or greater prior to development of property using Montgomery for access.</p> | <p>Duplex and multifamily units shall require planned residential development approval under Chapter 20.38 BMC and shall not exceed 25 percent of the total allowed dwelling units for the entire site.</p> <p>Duplex and multifamily building permits shall not be issued until at least 50 percent of the single-family or infill housing units have been constructed on site, except the director may waive this requirement; provided, that the duplex and multifamily housing is abutting or across the street right-of-way from a nonresidential single zone for the purpose of providing a transition area between zoning districts.</p> <p>No more than four single-family attached dwelling units allowed.</p> <p>Infill housing forms are permitted per Chapter 20.28 BMC.</p> <p>*The density bonus may exceed 50 percent total maximum under Chapter 23.08 BMC but density shall not exceed 4,300 sq. ft. per dwelling unit.</p> |

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### Procedural History

On March 21, 2022, the Planning and Community Development Department received a complete docketing application from the property owner requesting a Comprehensive Plan amendment to rezone 2 properties located at 4160 Cougar Rd in Area 6 of the King Mountain Neighborhood from RS to Public, School.

The applicant owns the approximately 16.9-acre site (Parcels 380308180069 and 380308107121) located in Area 6 of the King Mountain Neighborhood that is currently zoned RS.

The City Council held a public meeting on June 6, 2022 and placed the proposed Comprehensive Plan Amendment and Rezone on the annual 2022-2023 docket.

On September 13, 2022, the Bellingham School District held a virtual 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. Several members of the public attended the meeting to learn more about the proposal, with comments and questions provided on a range of topics such as the overall process, trails and pedestrian access, and traffic.

On October 21, 2022, the applicant submitted complete applications for a Comprehensive Plan amendment, rezone, and State Environmental Policy Act (SEPA) review to officially start the review process.

### **3. 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. Relevant Comprehensive Plan goals, policies, and, in the case of the Parks, Recreation, and Open Space Plan (PRO Plan) chapter, objectives are listed below:

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

**Policy LU-31:** The Public designation is applied to major parcels of land that are owned or leased by public agencies such as city, county and state governments and the Bellingham School District. Certain public uses may be located in other zoning districts as designated in the BMC. Public zoning is used for a range of uses, including parks, recreational facilities, trails, open space, schools, utilities, and other local governmental facilities.

**Policy LU-33:** Provide adequate public facilities, including schools, libraries, parks, trails, police and fire services, and transportation and utility infrastructure. Ensure that these facilities are compatible with the City's adopted Future Land Use Map.

**Policy LU-38:** Maximize the contributions of the City's educational facilities (primary through higher education). Coordinate with Bellingham School District leadership to assess the impacts of ongoing programs and determine if the location of future facilities is consistent with the goals of the community.



**Policy LU-39/CF-71:** Retain neighborhood schools in developed areas and locate new schools consistent with the City's commitment to encourage infill development, walkability and compact growth.

**PRO Plan 5.5.1 Policy Recommendations Trails (TR)**

- Acquire and/or develop new trail connections as shown on the following map in order to provide an off-street trail within a half mile of every resident in Bellingham.

**GOAL CF-7:** Ensure school districts serving Bellingham and its UGA provide adequate public school facilities needed to house the expected future student population.

**Policy CF-65:** The City and the school districts should continue to work to provide consistency between the district's Capital Facilities Plan and the City's Comprehensive Plan.

**Policy CF-66:** The school districts should continue to monitor demographic changes (particularly distribution of students) and acquire land as funding becomes available to provide facilities to meet the needs of an expanding student population.

**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.

**4. Public Comment:**

On September 13, 2022, the Bellingham School District held a virtual 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. Several members of the public attended the meeting to learn more about the proposal, with comments and questions provided on a range of topics such as procedural process, trails and pedestrian access, and traffic.

On May 18, 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 near the subject properties. A widened radius of 1000 feet was used for this notice in order to match the notice given for the neighborhood meeting held by the applicant. The notice was also published in the Bellingham Herald, posted on City website notice locations, and several notice signs were posted on the site.

Two written public comments in response to this notice were received by the City. These included supportive statements from both the applicant and the King Mountain Neighborhood Association. The applicant also spoke at the Public hearing in support of the proposed rezone.

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

A non-project Determination of Non-Significance was issued on May 2, 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**

**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 proposed amendment is consistent with the GMA other applicable laws. It implements the State's GMA goal (RCW 36.70A.020(12)) to "ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."

The proposed amendment is also consistent with the 2016 Bellingham Comprehensive Plan, which was adopted in compliance with the GMA and other applicable laws.

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 is consistent with the comprehensive plan goals and policies (**Section 3**). It will update information in the comprehensive plan and associated neighborhood plan to provide the appropriate land use designation for the publicly-owned property. This amendment allows the development of a school and supporting infrastructure on the property as a permitted use. This implements the Comprehensive Plan's goals and policies regarding the provision and siting of adequate public school facilities. The Public general use type is intended to apply to major parcels of land within the city limits which are owned by public agencies and used for public purposes.

The amendment also implements the Bellingham School District's 2021-2026 Capital Facilities Plan (CFP), which was adopted by reference into the Comprehensive Plan in 2021. This plan includes "planning for a new elementary school (on the District's existing Cougar Road property)" with a planned completion date of 2025. The proposed Public land use designation provides an area for the District to construct its fifteenth elementary school and supporting infrastructure. This school is planned to ultimately serve the increased student population projected in the District's adopted CFP, which estimates student population and capacity needs through 2026 and to 2035.

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 will result in a long-term benefit to the community and is in the community's overall best interests to ensure that Bellingham has the necessary school facilities in place to support new residential growth. The proposal will also result in a public benefit by initially providing space for students at schools planned for replacement or expansion in the CFP. Roosevelt Elementary, Carl Cozier Elementary, and Columbia Elementary are all planned for replacement or expansion following the construction of Elementary School 15 on the subject site. The new school would act as a "swing school" to allow uninterrupted schooling of students from each site in turn as their own school is under construction. This implements policies LU-33, LU-39/CF-71, and CF-7 as noted above.

Under the current Residential zoning designation, a school is listed as a conditional use, requiring a permit granted by the hearing examiner to be permitted. The development of a school would also be subject to the development standards of the underlying RS zone. These standards may not provide the regulations needed to appropriately meet the needs of a school and its required infrastructure. The Public land use designation will permit the development of a school at this site, which will assist the District in meeting the service needs across the School District and particularly within the northern parts of the District.

The Commission finds that this criterion has been met and recommends an amendment to the draft ordinance Zoning Table to alter the Prerequisite Consideration "Improvement of E. Bakerview Rd. to full primary arterial standard" to read as "Improvement of E. Bakerview Rd. to  $\frac{3}{4}$  arterial street standard." This recommended amendment would provide consistent language and clarity regarding street improvements listed under Prerequisite Considerations.

**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 Public land use designation and related zoning, a future school development proposal will require issuance of a building permit. The building permit review process will ensure that the proposal meets the adopted Bellingham Comprehensive Plan, BMC requirements, and building code provisions. Under the Public land use designation, the review process will also ensure the opportunity to adequately mitigate potential development impacts to adjacent areas and to address any site-specific concerns.

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 criterion B.1. and B.2. These responses also apply to the proposed rezone. Additionally, the proposed zoning table amendments implement Comprehensive Plan policies regarding trail development, natural resource preservation, and multimodal connections.

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. This response also applies to the proposed rezone.

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. This response also applies to the proposed rezone.

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.**

The subject property is suitable for development in general conformance with zoning standards under the proposed Public, School 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.**

The proposed rezone will not be materially detrimental to the uses or property in the immediate vicinity. Under the proposed Public, School zoning designation, a future development proposal will require issuance of a building permit. The building permit review process will ensure that the proposal meets the adopted Bellingham Comprehensive Plan, BMC requirements, and building code provisions. Under the Public land use designation, the review process will also ensure the opportunity to adequately mitigate potential development impacts to adjacent areas and to address any site-specific concerns.

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**

New and future residential density in the surrounding areas within the northern portion of the city has increased local service needs for the District. The proposed rezone allows for the development of an elementary school to serve these residential uses.

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**

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

See the discussion under Comprehensive Plan amendment criteria B.1. and B.2. These responses also apply to the proposed rezone.

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:

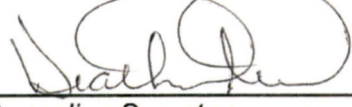
1. The Public, School designation is an appropriate zoning designation for the site and helps achieve land use, parks recreation and open space, and capital facilities related goals and policies in the Comprehensive Plan.
2. Under the Public land use designation, the review process will also ensure the opportunity to adequately mitigate potential development impacts to adjacent areas and to address any site-specific concerns.
3. Rezoning the site from Residential to Public permits the development of a school on the property to serve students in the School District.
4. 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

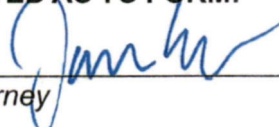
Based on the findings and conclusions, the Planning Commission recommends by a 6-0 vote that the City Council approve the Public, School zoning designation, including an amendment to the draft ordinance Zoning Table to alter the Prerequisite Consideration "Improvement of E. Bakerview Rd. to full primary arterial standard" to read as "Improvement of E. Bakerview Rd. to  $\frac{3}{4}$  arterial street standard."

**ADOPTED** this 15TH day of June, 2023.

  
\_\_\_\_\_  
Planning Commission Chairperson

**ATTEST:**   
\_\_\_\_\_  
Recording Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney