

**RESOLUTION NO. 2020-46**

**A RESOLUTION ESTABLISHING THE DOCKET OF PROPOSED  
COMPREHENSIVE PLAN AMENDMENTS TO BE REVIEWED IN 2020-2021.**

**WHEREAS**, the State Growth Management Act allows local governments to amend their comprehensive plan once a year; and

**WHEREAS**, the City of Bellingham has established a Type VI process to review all proposed comprehensive plan amendments and establish a list or "docket" of amendments to be reviewed in the annual plan amendment process; and

**WHEREAS**, Bellingham Municipal Code (BMC) 21.10.150 authorizes the City Council to establish the docket of proposed amendments after review and recommendation by City staff and the Planning Commission; and

**WHEREAS**, the docketing application deadline of April 1<sup>st</sup> was extended by six months due to the State of emergency relating to Novel Coronavirus (COVID-19); and

**WHEREAS**, the City received five proposals for docketing consideration in the 2020-2021 comprehensive plan amendment cycle; and

**WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed docket of comprehensive plan amendments on November 19, 2020; and

**WHEREAS**, the Planning Commission determined that the five docket proposals meet the minimum criteria for inclusion in the annual docket and recommended the City Council add all five requests to the list of comprehensive plan amendments for review in 2020-2021; and

**WHEREAS**, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed 2020-2021 docket of comprehensive plan amendments on December 14, 2020; and

**WHEREAS**, the City Council considered the recommendations of staff and the Planning Commission, the staff report, and the public comments.

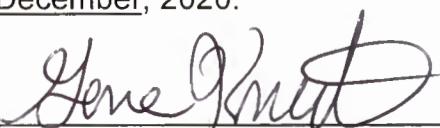
Now therefore, be it resolved by the City Council of the City of Bellingham:

The City Council agrees with and hereby adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission attached as Exhibit A.

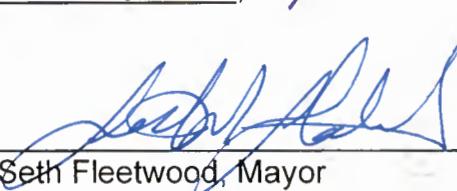
The five proposals listed in Exhibit B are hereby docketed for review in the 2020-2021 comprehensive plan amendment review process.

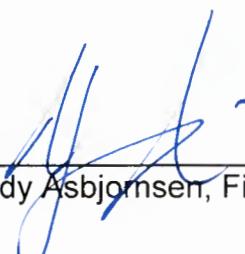
With the shortened comprehensive plan amendment cycle due to the State of emergency relating to COVID 19, some docketing proposals may be extended to the next amendment cycle if not completed with the other 2020-2021 docket of comprehensive plan amendments.

**PASSED** by the City Council this 14<sup>th</sup> day of December, 2020.

  
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Gene Knutson, Council President

**APPROVED** by me this 11 day of December, 2020.

  
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Seth Fleetwood, Mayor

**ATTEST:**   
\_\_\_\_\_  
Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**   
\_\_\_\_\_  
Office of the City Attorney

## **EXHIBIT A**

### **PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS AND RECOMENDATIONS**

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

**2020-2021 Comprehensive Plan Amendment Proposals:**

**NOVEMBER 19, 2020**

**Summary:**

Following the public hearing and deliberation on the amendments to the Bellingham Comprehensive Plan for docketing in 2020-2021, the Planning Commission has determined that the five submitted proposals meet the docketing criteria outlined in Bellingham Municipal Code (BMC) 20.20.030.

**I. FINDINGS OF FACT:**

**1. Proposal Description:**

The City received five proposals for potential inclusion in the 2020-2021 list of Comprehensive Plan amendments (i.e. the "docket"). The docketing requests are as follows:

1. **REZ2020-0002** Property owners request a rezone of City owned property, Port of Bellingham property, and adjacent right-of-ways in Area 1 of the Fairhaven Neighborhood from Fairhaven Urban Village (FUV) Industrial 2 to FUV Commercial Core. The Port of Bellingham property would retain Industrial zoning and add the Commercial Core uses to the list of permitted uses.
2. **REZ2020-0003** The Parks and Recreational Department request to rezone six neighborhood parks from a Residential designation to a Public, Park zoning designation. Proposals include: Ridgemont Park, Highland Heights Park, Birchwood Park, Maplewood / Mcleod Park, Sunnyland Park, and Cornwall Tot Lot.
3. **REZ2020-0005** The Bellingham School District requests an amendment to the Capital Facility Chapter of the Bellingham Comprehensive Plan to include their new 2021-2027 Capital Facilities Plan by reference.
4. **REZ2020-0006** The Planning and Community Development Department (PCDD) requests an amendment to the Land Use Chapter to potentially add a comprehensive plan designation and zoning for mobile/manufactured home parks (MHPs).
5. **REZ2020-0007** The Public Works Department requests an amendment to the Capital Facilities Chapter of the Bellingham Comprehensive Plan to include the City's new 2020 Surface and Stormwater Comprehensive Plan by reference.

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

Under the rules of the Washington State Growth Management Act, the Bellingham Comprehensive Plan, which includes the City's neighborhood plans, can be amended only once a year. The City's Planning and Community Development Department conducts the annual amendment process. The first step in the process is to establish the docket of amendments that will be reviewed during the year. Only the City Council can place a proposal on the docket after review by staff and the Planning Commission.

Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months.

On November 19, 2020, the Planning Commission held a public hearing and recommended all five requests be included in the docket of 2020-2021 comprehensive plan amendments.

If docketed, the Planning Commission and City Council will hold public hearings on the merits of the proposals. The City Council will make a final decision on the amendments.

## **3. Public Comment:**

Per Bellingham Municipal Code 21.10.150 notice of the public hearing was mailed to neighborhood representatives, associations, and other parties with an interest in this topic. The notice was also published in the Bellingham Herald and mailed to property owners within 500-feet for each site-specific rezone. Additionally, a hearing notice sign was posted on the property for each site-specific rezone.

At the Planning Commission public hearing held on November 19, 2020, several members of the public provided testimony and written comments relating to the 2020-2021 docket proposals. Upon consideration of the comments, staff report, and the docketing criteria (BMC 20.20.030), the Planning Commission recommended all five requests be docketed for review in the next comprehensive plan amendment cycle.

## **4. Consistency with the Bellingham Municipal Code Decision Criteria for Comprehensive and Neighborhood Plan Amendments:**

### **BMC 20.20.030 - Annual Docketing Criteria:**

The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. To be included in the annual docket, a proposal must meet the following criteria:

- A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan; or
2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan; or
3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process; or
4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the Comprehensive Plan or a neighborhood plan; or
5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

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**REZ2020-0002:** Property owners request a rezone of City owned property, Port of Bellingham property, and adjacent right-of-ways in Area 1 of the Fairhaven Neighborhood from Fairhaven Urban Village (FUV) Industrial 2 to FUV Commercial Core. The Port of Bellingham property would retain Industrial zoning and add the Commercial Core uses to the list of permitted uses.

**BMC 20.20.030 Annual Docketing Criteria:**

A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

**Staff Response:** Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months. Staff resources are available to review the proposal within the time frame of the annual review process. However, with the shortened comprehensive plan amendment cycle, the proposal may be extended to the next amendment cycle if not completed with the other 2020-2021 docket of comprehensive plan amendments.

B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

**Staff Response:** The Bellingham Comprehensive Plan contains goals and policies that speak to fostering vibrant urban villages and promotes continued development in the City's urban villages to help accommodate Bellingham's future growth. The City owned property, which is bisected by two zoning designations of

FUV Industrial 2 and FUV Commercial Core. By docketing this proposal, the City will have the opportunity to investigate the appropriate zoning for the City owned property under a single zoning designation as well as have an opportunity to consider if the FUV Commercial Core list of permitted uses are appropriate for the Port of Bellingham industrial property. ( 19,681 sq. ft. approx.)

If docketed, the City, the Port of Bellingham, and the applicant will have an opportunity to cooperatively discuss possible development approaches and/or agreements as part of the rezone request and the applicant will be able to move forward with their negotiations relating to the City and the Port of Bellingham properties. The Bellingham Comprehensive Plan Policy LU-17 provides general guidance for such instances, which states:

**Policy LU-17:** In instances where a proponent controls multiple properties within an existing urban village and seeks to address the coordinated provision of infrastructure, cooperatively develop plans, approaches and agreements, including development agreements.

2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan;

**Staff Response:** Placing this proposal on the docket serves the public interest by implementing the goals and policies of the Comprehensive Plan. Specific implementing goals and policies include:

**GOAL LU-2:** Foster vibrant urban villages.

**Policy LU-12:** The Urban Village designation encourages the creation of intensely-developed mixed-use areas where infrastructure, transit, and other public facilities and services are available or can easily be provided. Urban villages should provide significant job opportunities and a substantial amount of new housing, allowing people to work, shop and recreate near where they live. The ultimate mix of land uses, densities, infrastructure requirements and other typical zoning, design, and development standards should be established in a master plan.

**Policy LU-13:** Promote and facilitate continued development of the City's seven existing urban villages - Downtown, Waterfront, Fairhaven, Fountain, Samish Way, Old Town and Barkley. These areas are expected to accommodate significant residential and mixed use development over the 20-year planning period (see urban village master plans, design standards, and regulations).

**Policy LU-17:** In instances where a proponent controls multiple properties within an existing urban village and seeks to address the coordinated provision of

infrastructure, cooperatively develop plans, approaches and agreements, including development agreements.

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

**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.

**Policy ED-20:** Continue to lead and manage the redevelopment of City-owned properties for maximum public benefit, using public-private partnerships when appropriate.

**Policy ED-24:** Periodically assess the adequacy of the supply of vacant and redevelopable employment lands in Bellingham and the UGA, especially land zoned for industry.

**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.

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

**Staff Response:** The public interest would be best served by considering the proposal in the 2020-2021 comprehensive amendment cycle, rather than delaying the proposal to a future update. Job and housing creation are an immediate need for the City. The applicant states that due to topographic challenges associated with this area and the adjacent Commercial Core zoning to the east and south, Industrial uses may not be suitable for the subject area and this area would be better served with commercial, residential, and other mixed uses. As mentioned above, Policies ED-24, 26, and 40 provide guidance to identify and assess the zoning and development standards of vacant/underutilized lands in order to ensure the land is used as efficiently as possible.

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the Comprehensive Plan or a neighborhood plan; or

**Staff Response:** As mentioned above, the City owned property is bisected by two different zoning designations. The western portion of the property is zoned FUV Industrial 2 and the eastern portion of the property is zoned FUV Commercial Core. Rezoning the western portion of the property and adjacent right-of-ways would place the entire property within a single zoning designation of FUV Commercial Core and will correct a zoning boundary.

5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

**Staff Response:** The proposed rezone has not been directed by State law or a decision of a court or administrative agency to change the comprehensive plan or Neighborhood Plan.

**Recommendation:** Docket this proposal for review in 2020-2021.

By a 6-0 vote, the Planning Commission finds that the applicant's rezone proposal meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.4. Placing the rezone request on the docket allows further evaluation of the proposal through the comprehensive plan amendment process.

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**REZ2020-0003:** The Parks and Recreational Department request to rezone six neighborhood parks from a Residential designation to a Public, Park zoning designation. Proposals include: Ridgemont Park, Highland Heights Park, Birchwood Park, Maplewood / Mcleod Park, Sunnyland Park, and Cornwall Tot Lot.

**BMC 20.20.030 Annual Docketing Criteria:**

- A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

**Staff Response:** Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months. City resources are available to review the proposal within the time frame of the annual review process. However, with the shortened comprehensive plan amendment cycle, this proposal may be extended to the next amendment cycle if not completed with the other 2020-2021 docket of comprehensive plan amendments.

- B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

**Staff Response:** The Public general use type zoning designation is intended to apply to major parcels of land that are owned by public agencies and used for public purposes. The proposed rezones provide the opportunity to identify these Park properties as Public, Parks and sets the initial zoning standards for public use and development that is consistent with the adopted Bellingham Comprehensive Plan, the 2020 Parks, Recreational and Open Space Plan (PRO Plan), and Bellingham Municipal Code (BMC) 20.42 Public Development chapter.

2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan;

**Staff Response:** Placing the rezone proposals on the 2020-2021 docket serves the public interest by identifying public land that are intended for public recreational use, and implements the goals and policies of the comprehensive plan as referenced below:

**GOAL LU-4:** Maintain and enhance publicly-owned assets and institutional uses.

**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.

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

**Staff Response:** The public interest would be best served by considering the proposal in the 2020-2021 comprehensive amendment cycle, rather than delaying the proposal to a future update. Under the current zoning designations of RS/RM, a public park is listed as a permitted use, however the subject properties are required to meet the development standards of the underlying zone. Such as, but not limited to minimum building setbacks, building height, lot coverage, and uses. The underlying residential zoning designation may not provide the development standards needed to adequately mitigate potential impacts occurring off-site or possibly limit future recreational opportunities or improvements planned for the neighborhood parks.

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan; or

**Staff Response:** The proposed rezones of the neighborhood parks will update information in the comprehensive plan and associated neighborhood plans, and provide the appropriate land use and zoning regulations for property that is currently being used or planned to provide recreational opportunities to the public. The proposal would include amending the appropriate sections of the neighborhood plans, land use and zoning maps, and creating a new subarea for each park under the Public, Park zoning designation.

5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

**Staff Response:** The proposed rezones have not been directed by State law or a decision of a court or administrative agency to change the comprehensive plan or associated neighborhood plans.

**Recommendation:** Docket this proposal for review in 2020-2021.

By a 6-0 vote, the Planning Commission finds that the Parks rezone proposals meet the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.4. Placing the rezone requests on the docket allows further evaluation of the proposal through the comprehensive plan amendment process.

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**REZ2020-0005** The Bellingham School District requests an amendment to the Capital Facility Chapter of the Bellingham Comprehensive Plan to include their new 2021-2027 Capital Facilities Plan by reference.

**BMC 20.20.030 Annual Docketing Criteria:**

- A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

**Staff Response:** Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months. City resources are available to review the proposal within the time frame of the annual review process.

- B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

**Staff Response:** Cities planning under the State's Growth Management Act (GMA) require public facilities planning to ensure adequate facilities and service are provided to support new growth and development. Schools are included in the definition of a public facility and currently cited in the Capital Facilities Chapter of the Bellingham Comprehensive Plan, which adopted by reference the District's 2015-2021 CFP. As this plan is set to expire at the end of 2021, a new CFP needs to be approved by the District and then adopted by reference in the City's comprehensive plan in order to enable the City to collect impact fees on new residential permits on their behalf.

The District's new CFP will include information on current facilities, forecast of futures needs, facility locations, standards of service, capacities assessments, impact fees, and a six-year finance plan for capital improvements needed to serve new population growth. As mentioned in the Bellingham Comprehensive Plan, both the City and the District work cooperatively to ensure adequate school facilities are provided to serve the community.

2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

**Staff Response:** The proposal serves the public interest by implementing the goals and policies of the comprehensive plan, updates information in the comprehensive plan, and ensures adequate school facilities and service are provided to support new population growth and development between 2021-2027. Specific comprehensive plan goals and policies include:

**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 CF-69** Encourage the continued collection of the impact fee program by the Bellingham School District to collect funds from new development to help offset the costs of new capacity necessary to serve the new development.

**Policy CF-70** Encourage all school districts within Bellingham and its UGA to pass school impact fee ordinances and allow the City and county to collect school impacts fees on their behalf, per RCW 82.020.050 - .090.

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

**Staff Response:** The public interest would be best served by considering the proposal in the next amendment cycle. Delaying consideration of the proposal to the next amendment cycle (2021-2022) would prevent the collection of school impact fees by the District once their current CFP expires at the end of 2021.

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the Comprehensive Plan or a neighborhood plan;

**Staff Response:** The District's amendment proposal addresses changing circumstances relating to needed or upgraded school facilities to support the projected student population within their 2021-2027 planning period, updates information in the comprehensive plan, and ensures that new residential development shares in the cost of providing new or upgraded facilities within the District.

5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

**Staff Response:** As mentioned above in Section B. 1., State law requires public agencies planning under the GMA to prepare a six-year CFP. As the District's current CFP (2015-2021) is set to expire at the end of 2021, a new plan needs to be adopted by the District to remain eligible to assess and receive school impact fees. In order for the City to collect this fee on new residential permits, their CFP needs to be incorporated into the City's comprehensive plan.

**Recommendation:** Docket this proposal for review in 2020-2021.

By a 5-1 vote, the Planning Commission finds that the Bellingham School District proposal meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.5. Placing the request on the docket allows further evaluation of the proposal through the comprehensive plan amendment process and meets GMA requirements.

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**REZ2020-0006** The Planning and Community Development Department (PCDD) requests an amendment to the Land Use Chapter to potentially add a comprehensive plan designation and zoning for mobile/manufactured home parks (MHPs).

**BMC 20.20.030 Annual Docketing Criteria:**

A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

**Staff Response:** Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months. City resources are available to review the proposal within the time frame of the annual review process. However, with the shortened comprehensive plan amendment cycle, this proposal may be extended to the next amendment cycle if not completed with the other 2020-2021 docket of comprehensive plan amendments.

B. The proposal meets one or more of the following criteria:

1. **Staff Response:** The Housing Chapter in the Bellingham Comprehensive Plan is a mandatory element required by the State's Growth Management Act (GMA). The GMA provides direction through goals that encourage the provision of housing opportunities for all economic segments of the population, efficient use of land, and the preservation of the existing housing stock in order to support a variety of fair and equal housing choices for all persons in the community. In 2019, a specific goal, policy, and supporting text relating to MHPs was added to the Housing Chapter that provided the policy basis to investigate ways to preserve this affordable housing option. (Also see B 2. below, supporting comprehensive plan goals and policies.)
2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

**Staff Response:** The proposal serves the public interest by implementing the goals and policies of the comprehensive plan. One of the possible methods staff is currently investigating to preserve the existing MHPs is establishing a new zoning designation in the comprehensive plan to safeguard this affordable housing form. This zoning designation and associated regulations could apply to one or more of the existing MHPs. Additionally, through this process, staff could possibly designate other areas in the City that may be appropriate for new MHPs.

Supporting comprehensive plan goals and policies include:

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

**GOAL H-2:** Foster housing that is safe, healthy, livable and affordable for all income levels in all neighborhoods.

**GOAL H-4:** Support housing options for special needs populations.

**GOAL H-5:** Existing manufactured home parks (MHPs) should be preserved.

**Policy H-12:** Continue permitting manufactured homes in residential zones in accordance with state and federal laws.

**Policy H-13:** Consider the impacts on citywide housing capacity, affordability and diversity when making land use policy decisions and code amendments.

**Policy H-15:** Support fair and equal access to housing for all persons, regardless of race, religion, ethnic origin, age, household composition or size, disability, marital status, sexual orientation or economic circumstances.

**Policy H-34:** Encourage the rehabilitation, relocation and reuse, rather than demolition, of existing housing.

**Policy H-46:** Work with agencies, developers, nonprofits to locate housing to serve special needs populations, particularly those with challenges related to age....

**Policy H-55:** Identify and evaluate methods to encourage the preservation of existing manufactured home parks to ensure their continued provision of affordable housing.

"There are ten manufactured home parks in Bellingham with a total of about 900 spaces. The parks are located in a number of different neighborhoods. All have residential comprehensive plan and zoning designations except Samish Court, located in the Samish Way urban village. These parks, and the units they contain, are some of the most affordable housing in the city. Therefore, it is appropriate to try to preserve some or all of them."

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

**Staff Response:** The public interest would be best served by considering the proposal in the next amendment cycle. Mobile and manufactured home parks provide some of the most affordable housing options in the City and should be maintained/safeguarded as an affordable housing option for the community. The potential loss of this affordable housing type through change of use or redevelopment would displace residents living in those units who may not have the ability to relocate in the City due to a variety of circumstances such as, but not limited to: fixed income, low vacancy rates, and available housing stock. With the limited housing stock in Bellingham and as house prices continue to rise,

properties within the City are under development and redevelopment pressures, including MHPs properties. Therefore, this proposal should be added to the 2020-2021 docket as this is a timely issue to ensure these housing forms remain an affordable housing option in the City.

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the Comprehensive Plan or a neighborhood plan;

**Staff Response:** The comprehensive plan amendment request addresses changing circumstances relating to changes in Bellingham's housing market. As previously mentioned, property and house prices continue to rise and properties within the City are under development and redevelopment pressures, which include MHPs properties. Residents and special need populations who reside in manufactured parks may not have the means to relocate in the City due to the low vacancy rate and shortage of available affordable housing stock. Therefore, in an effort to help protect this affordable housing form in the City, the proposed amendment seeks to implement potential measures that would apply to some or all of the existing MHPs in the City. Through this process, staff will also be evaluating other areas in the City that may be appropriate for new manufactured home developments.

5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

**Staff Response:** The proposed docketing request has not been directed by State law or a decision of a court to change the Comprehensive Plan or Neighborhood Plan. However, the City Council provided direction for staff to evaluate methods for the preservation of some or all the MHPs in the City and to develop potential regulatory measures to be considered through the comprehensive plan amendment process.

**Recommendation:** Docket this proposal for review in 2020-2021.

By a 6-0 vote, the Planning Commission finds that the PCDD proposal meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.5. Placing the request on the docket allows further evaluation of the proposal through the comprehensive plan amendment process.

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**REZ2020-0007 Surface and Stormwater Comprehensive Plan:** The Public Works Department (PWD) requests an amendment to the Capital Facilities Chapter of the

Bellingham Comprehensive Plan to include the City's new 2020 Surface and Stormwater Comprehensive Plan by reference.

#### **BMC 20.20.030 Annual Docketing Criteria**

A. The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal within the time frame of the annual review process; and

**Staff Response:** Due to the State of emergency relating to Novel Coronavirus (COVID-19), the docketing application deadline of April 1<sup>st</sup> was extended by six months. City resources are available to review the proposal within the time frame of the annual review process.

B. The proposal meets one or more of the following criteria:

1. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

**Staff Response:** On September 28, 2020, the Bellingham City Council approved by reference the City's new 2020 SSCP. Currently, the Capital Facilities Plan Chapter of the Bellingham Comprehensive Plan references the 2007 Stormwater Comprehensive Plan, which is now outdated. To resolve this issue, an amendment to the comprehensive plan is needed to remove the outdated text and to add the new information relating to the newly approved plan.

2. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;

**Staff Response:** The proposal serves the public interest by implementing the goals and policies of the comprehensive plan. Specific comprehensive plan goals and policies include:

**GOAL LU-7:** Protect and restore our community's natural resources (land, water, and air) through proactive environmental stewardship.

**GOAL LU-8:** Protect and improve Lake Whatcom and its watershed to ensure a long-term, sustainable supply of water.

**GOAL CF-2:** Protect and improve Lake Whatcom and its watershed to ensure a longterm, sustainable supply of water.

**GOAL CF-3:** Continue efforts to improve the overall water quality throughout Bellingham.

**GOAL EV-1:** Protect and improve drinking water sources.

**GOAL EV-5:** Protect and improve the health of lakes, stream, and the Salish Sea.

**Policy LU-67:** Establish land uses, development densities, impervious surface coverages and stormwater standards that minimize flooding, streambank erosion, and loss of aquatic and other habitat.

**Policy CF-25:** Protect water quality and quantity within watersheds and marine water bodies which cross jurisdictional boundaries.

**Policy CF-28:** Water, sanitary sewer, and stormwater services should be provided as adopted in the existing comprehensive system plans.

**Policy CF-29:** Update comprehensive system plans for capital facilities, stormwater, and other City services whose level of service standards could be affected by aging infrastructure and future growth and development.

**Policy CF-30:** Manage water, sanitary sewer, and stormwater facilities and plans so that they meet federal and state requirements.

**Policy CF-33:** Explore the possibility of retrofitting existing stormwater systems with best management practices (BMPs) that reduce pollution.

**Policy CF-35:** To maintain a viable City drainage system, minimize conventional storm drainage design and, where possible, rely upon alternative approaches and low impact development (LID) techniques that use natural features.

**Policy CF-37:** Comply with the Stormwater Management Manual for Western Washington published by the Washington State Department of Ecology.

3. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;

**Staff Response:** The public interest would be best served by considering the proposal in the next amendment cycle. The 2020 SSCP provides current fundamental surface and stormwater information to the public as well as guides the City's stormwater management programs, which includes actions for compliance with its National Pollution Discharge Elimination System Phase II Municipal Stormwater Permit. The plan provides updated information, such as but not limited to: new stormwater facilities, funding options for capital improvements, an evaluation of existing drainage/stormwater systems for any potential

improvements, and provides recommendations to help improve Bellingham's water quality and the environment.

4. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the Comprehensive Plan or a neighborhood plan;

**Staff Response:** The amendment proposal will address changes that have occurred since the adoption of the 2009 Stormwater Plan. The amendment proposal corrects and updates stormwater information in the Capital Facilities Chapter of the Bellingham Comprehensive Plan to reference the newly adopted 2020 SSCP.

5. State law requires, or a decision of a court or administrative agency, has directed a change to the Comprehensive Plan or a neighborhood plan.

**Staff Response:** The Washington State Department of Ecology implements the rules and regulations for managing stormwater runoff in Washington State. The City of Bellingham is a Phase II jurisdiction and operates its Stormwater and Stormwater Utility according to the requirements and conditions of the National Pollution Discharge Elimination System Phase II Municipal Stormwater Permit. This Phase II permit directs the City to enforce the quantity and quality of stormwater runoff and specifies continued stormwater management planning. As a new 2020 SSCP has been recently approved by resolution by the City, a change in the comprehensive plan is needed to support this action.

**Recommendation:** Docket this proposal for review in 2020-2021.

By a 5-1 vote, the Planning Commission finds that the PWD proposal meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.5. Placing the request on the docket allows further evaluation of the proposal through the comprehensive plan amendment process.

## **II. CONCLUSIONS:**

Based on the staff report, the submittals from the applicants, and the information presented at the public hearing, the Planning Commission concludes:

The five proposed docket requests meet the minimum criteria for inclusion in the annual 2020-2021 docket of comprehensive plan amendments.

### III. RECOMMENDATION:

Based on the Findings of Fact and Conclusions, the Bellingham Planning Commission recommends the City Council add all five docket requests (REZ2020-0002, REZ2020-0003, REZ2020-0005, REZ2020-0006, and REZ2020-0007) to the list of comprehensive plan amendments for review in 2020-2021.

It is also recommended that with the shortened comprehensive plan amendment cycle due to the State of emergency relating to COVID 19, some docketing proposals may be extended to the next amendment cycle if not completed with the other 2020-2021 docket of comprehensive plan amendments.

**ADOPTED** this 19<sup>th</sup> day of November 2020.

  
\_\_\_\_\_  
*Mike Coker*  
Planning Commission Chairperson

ATTEST:   
\_\_\_\_\_  
*Debra Denner*  
Recording Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
*[Signature]*  
City Attorney

## **EXHIBIT B**

### **DOCKET OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO BE REVIEWED IN 2020-2021**

- 1. REZ2020-0002.** Property owners in Area 1 of the Fairhaven Neighborhood submitted a request to rezone a portion of City and Port of Bellingham properties and adjacent rights-of-way in the Fairhaven Urban Village from Industrial 2 to Commercial Core. The Port of Bellingham property would retain Industrial zoning and add the Commercial Core uses to the list of permitted uses.
- 2. REZ2020-0003:** The Parks and Recreational Department request to rezone six neighborhood parks from a Residential designation to a Public, Park zoning designation. Proposals include: Ridgemont Park, Highland Heights Park, Birchwood Park, Maplewood / Mcleod Park, Sunnyland Park, and Cornwall Tot Lot.
- 3. REZ2020-0005** The Bellingham School District requests an amendment to the Capital Facility Chapter of the Bellingham Comprehensive Plan to include their new 2021-2027 Capital Facilities Plan by reference.
- 4. REZ2020-0006** The Planning and Community Development Department requests an amendment to the Land Use Chapter to potentially add a comprehensive plan designation and zoning for mobile/manufactured home parks.
- 5. REZ2020-0007** The Public Works Department requests an amendment to the Capital Facilities Chapter of the Bellingham Comprehensive Plan to include the City's new 2020 Surface and Stormwater Comprehensive Plan by reference.