

RESOLUTION NO. 2021 -25

**A RESOLUTION ESTABLISHING THE DOCKET OF PROPOSED
COMPREHENSIVE PLAN AMENDMENTS TO BE REVIEWED IN 2021-2022.**

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 City received two proposals for docketing consideration in the 2021-2022 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 July 8, 2021; and

WHEREAS, the Planning Commission determined that the two docket proposals meet the minimum criteria for inclusion in the annual docket and recommends the City Council add the two requests to the list of comprehensive plan amendments for review in 2021-2022; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed 2021-2022 docket of comprehensive plan amendments on August 30, 2021; and

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

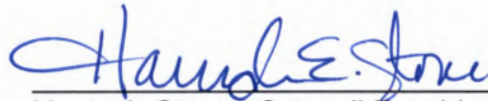
Now therefore, be it resolved by the City Council of the City of Bellingham:

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

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

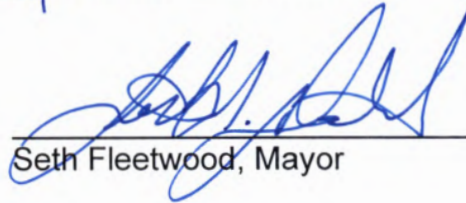
The two proposals listed in Exhibit B. are hereby docketed for review in the 2021-2022 comprehensive plan amendment review process.

PASSED by the City Council this 30th day of August, 2021.



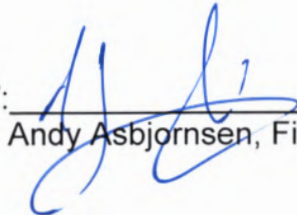
Hannah Stone, Council President

APPROVED by me this 10 day of September, 2021.



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 RECOMMENDATIONS**

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

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

2021-2022 Comprehensive Plan Amendment Proposals

JULY 8, 2021

Summary:

Following the public hearing and deliberation on the amendments to the Bellingham Comprehensive Plan for docketing in 2021-2022, the Planning Commission has determined the 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 two proposals for potential inclusion in the 2021-2022 list of comprehensive plan amendments (i.e. the "docket"). The requested amendments are as follows:

- **REZ2021-0002:** Property owner requests a comprehensive plan amendment to rezone a property located at 2948 James Street in Area 1A of the Sunnyland Neighborhood from Residential, Single to Residential Multi, Multiple/Mixed (offices allowed) (no density).
- **REZ2021-0003:** Property owner requests a comprehensive plan amendment to rezone a property (Parcel 380201234195) in Area 1 of the Cordata Neighborhood to remove all "Town Center" code references in the Cordata PUD.

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.

On July 8, 2021, the Planning Commission held a public hearing and recommended that the two docket proposals be included on the list of comprehensive plan amendments for review in 2021-2022.

The Planning Commission and City Council will hold public hearings on the merits of the Comprehensive Plan amendments and associated rezone requests through a separate process. City Council will make a final determination on the amendment requests.

3. Public Comment:

Per BMC 21.10, notice of the Planning Commission public hearing notice was mailed to neighborhood representatives and associations, and to properties owners within 500-feet of each amendment request. The notice was also published in the Bellingham Herald, posted on City web site notice locations, and a notice sign was posted on the property of each amendment request.

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

Bellingham Municipal Code 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.

The Planning Commission finds that the two proposed 2021-2022 docket applications meet the docketing criteria outlined in BMC 20.20.030 as follows:

REZ2021-0002: Property owner requests a comprehensive plan amendment to rezone a property located at 2948 James Street in Area 1A of the Sunnyland Neighborhood from Residential, Single to Residential Multi, Multiple/Mixed (offices allowed) (no density).

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

City resources are available to review the proposal within the time frame of the annual review process.

The Commission finds that this criterion has been met.

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;

The subject property is located in Area 1A of the Sunnyland Neighborhood and currently zoned Residential, Single. The property is approximately 60,948 sq. ft. in size and situated on the southeast corner of James Street and Sunset Drive and bordered by Interstate 5 to the east. According to the applicant, the property has had a history of supporting a variety of commercial uses with the last principal use being a funeral home (Jerns Funeral Home). The funeral home was constructed in 1969 and approved in 1967 as a "Specific Use" by the City Council under Ordinance 7670. More recently, and due to the COVID-19 pandemic, the City Council passed Emergency Ordinance 2021-01-001 to allow the site to be used as a temporary vaccination and testing facility.

The property is limited to the zoning regulations of the underlying residential zone relating to use or redevelopment of the property.

20.00.200 Sunnyland neighborhood table of zoning regulations | Bellingham Municipal Code

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
1A	Residential Single	Detached	10,000 sq. ft. minimum detached lot size.	None	None	None

The docket request provides an opportunity to determine the appropriate comprehensive plan land use designation and zoning for a property that has a history of supporting nonresidential uses, while under the Residential, Single designation.

The Commission finds that this criterion has been met.

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

Placing this proposal on the docket serves the public interest by implementing the goals and policies of the comprehensive plan. Some of the specific implementing goals and policies include:

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

Policy LU-2: The Multi-Family Residential designation is intended for areas that are able to support higher concentrations of people, while encouraging a desirable living environment within and adjacent to these districts. This zoning also provides a compatible mixture of residential housing types, typical accessory uses, public and semi-public uses, office uses and limited neighborhood commercial uses in appropriate areas.

Policy LU-7: Periodically review and update the City's residential zoning regulations and design standards to promote quality development that considers and complements existing neighborhoods.

Policy LU-9: Promote small-scale commercial uses (e.g. corner stores) within neighborhoods, particularly where these uses historically existed, to encourage walkability and provide opportunities for employment and placemaking.

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

Policy H-1: Support high-density and mixed commercial/residential development in the City's urban villages, high capacity transit corridors connecting the villages and other appropriate areas that allow people to work, shop and recreate near where they live.

GOAL ED-2: Accommodate a broad mix of employment opportunities, while actively seeking a greater proportion of living wage jobs that will benefit a broad cross-section of Bellingham residents.

Policy ED-19: Support the retention and growth of Bellingham's small businesses

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.

The Commission finds that this criterion has been met.

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;

The 2016 Bellingham Comprehensive Plan contains goals and policies that generally speak to the efficient use of land, support a variety of housing options and job creation, and periodically assess zoning regulations to promote quality development that complements the neighborhood. The proposal serves the public interest by implementing the goals and policies as mentioned above in question 2.

The Commission finds that this criterion has been met.

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

The amendment proposal addresses changing circumstances relating to the property. Since the late 1960's, the Jerns Funeral Home operated their business on the property and has since moved to a different location in 2019. The Residential, Single zoning designation is intended for residential development or possible conditional uses that provide convenient services to the area. However, given the land use history of the property, location to transit service, and employment areas, the amendment request provides an opportunity to determine if the proposed rezone is appropriate for the property and compatible with the surrounding uses.

The Commission finds that this criterion has been met.

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.

The Commission finds the proposed amendment has not been directed by State law or a decision of a court or administrative agency to change the comprehensive plan or associated neighborhood plan.

Recommendation: Docket this proposal for review in 2021-2022.

With a 5-0 vote, the Planning Commission finds that the property owner's amendment request meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.4. Placing this proposal on the docket serves the public interest and allows further evaluation of the proposal through the comprehensive plan amendment process. City resources are available to review the proposal within the time frame of the annual review process, and the public interest would be served by evaluating the proposal and determining the appropriate zoning for this area.

REZ2021-0003: Property owner requests a comprehensive plan amendment to rezone a property (Parcel 380201234195) in Area 1 of the Cordata Neighborhood to remove all "Town Center" code references in the Cordata PUD.

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

City resources available to review the proposal within the time frame of the annual review process.

The Commission finds that this criterion has been met.

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;

The subject property is located in Area 1 of Cordata Neighborhood and currently zoned Residential (Mixed), Commercial, and Industrial. The undeveloped property is approximately 3.1 acres in size and situated on the southwest corner of Cordata PKWY and Meadowbrook CT. The property is regulated under the Bellingham Municipal Code (BMC) and governed by the Cordata Business Park Planned Unit Development (PUD) as subsequently amended by the Cordata PUD Amendment No.2, which were adopted as part of the annexation of this area into the City in the 1990s. The current comprehensive plan land use and zoning designations of the property are not proposed to be changed, only the town center PUD zoning designation and references are proposed to be removed.

The land use development code is the regulatory authority to implement and achieve the goals and policies of the City's comprehensive plan, including the neighborhood plans. The PUD identifies the subject site as one of two parcels proposed for development as a town center. The intent of a town center was to provide a focal point for the community with convenient retail, office services, and community open space areas in the PUD. However, over time there has been zoning and development changes within the Cordata Neighborhood, which have shifted the location of these services/facilities to a more centralized location in the PUD within Areas 11 and 22 of the Cordata Neighborhood. Area 11 is known as the Cordata Village and is zoned to provide housing, nearby shopping opportunities, and outdoor space (See Exhibit 4 of staff report) and Area 22 is a new community park. Based on these factors, the PUD town center designation may not be warranted as referenced in Area 1 of the Cordata Neighborhood Plan and as cited in the BMC per the PUD regulations.

The Commission finds that this criterion has been met.

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

Placing this proposal on the docket serves the public interest by implementing the goals and policies of the comprehensive plan. As stated in the docket application, the applicant intends to construct residential housing on the property, which is a current need for the City and similar to the residential developments in the surrounding area. Some of the specific implementing goals and policies based on the applicant's proposal include:

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

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-5: Foster neighborhoods with a balanced mix of housing prices that are compatible with the wages and incomes in the community.

Policy LU-10: To achieve a healthy mix of housing that is affordable to a wide range of incomes.....

Policy LU-45: Provide sufficient land area and densities to meet Bellingham's projected needs for housing, employment and public facilities...

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.

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;

The public interest would be best served by considering the proposal in the 2021-2022 comprehensive amendment cycle, rather than delaying the proposal to a future update. As previously mentioned, the applicant intends to develop the property with residential housing and forgo the current requirement to provide convenient retail, office services, and community open space areas. As the demand for housing in Bellingham continues to increase, it is essential that the remaining vacant or underutilized land is used as efficiently as possible to help with Bellingham's forecasted growth and to ensure that a mix of housing options are available for the community.

The Commission finds that this criterion has been met.

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

The amendment proposal will address the changing circumstance by acknowledging that the appropriate locations for convenient retail, office services and community open space areas are in Areas 11 and 22 of the Cordata Neighborhood. If approved, the proposal will update information in the Cordata Neighborhood Plan for Area 1 to remove the "Town Center" reference as this PUD designation is no longer appropriate within this subarea. The proposal will also revise the development regulations for the PUD to remove all town center references and location map within this subarea. Also, see docket criteria B. 1.

The Commission finds that this criterion has been met.

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.

The Commission finds the proposed amendment has not been directed by State law or a decision of a court or administrative agency to change the comprehensive plan or associated neighborhood plan.

Recommendation: Docket this proposal for review in 2021-2022.

With a 5-0 vote, the Planning Commission finds that the property owner's amendment request meets the docketing criteria outlined in BMC 20.20.030 A. and 20.20.030 B.1. through B.4. Placing this proposal on the docket serves the public interest and allows further evaluation of the proposal through the comprehensive plan amendment process. City resources are available to review the proposal within the time frame of the annual review process, and the public interest would be served by evaluating the proposal and determining the appropriate zoning for this area.

II. CONCLUSIONS:

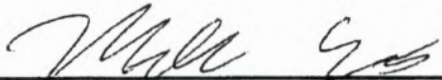
Based on the staff report, the submittals from the applicants, and the information presented at the public hearing, the Bellingham Planning Commission conclude:

The two docket applications meet the minimum criteria for inclusion in the annual 2021-2022 docket of comprehensive plan amendments per Bellingham Municipal Code 20.20.030.

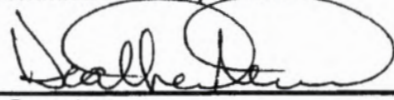
III. RECOMMENDATIONS:

Based on the Findings of Fact and Conclusion, the Bellingham Planning Commission recommends that the City Council add the two docket requests REZ2021-0002 and REZ2021-0003 to the list of comprehensive plan amendments for review in 2021-2022.


ADOPTED this 8TH day of July, 2021.



Planning Commission Chairperson

ATTEST: 

Recording Secretary

APPROVED AS TO FORM:


City Attorney

EXHIBIT B.

DOCKET OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO BE REVIEWED IN 2021-2022

- 1. REZ2021-0002:** Property owner requests a comprehensive plan amendment to rezone a property located at 2948 James Street in Area 1A of the Sunnyland Neighborhood from Residential, Single to Residential Multi, Multiple/Mixed (offices allowed) (no density).
- 2. REZ2021-0003:** Property owner requests a comprehensive plan amendment to rezone a property (Parcel 380201234195) in Area 1 of the Cordata Neighborhood to remove all "Town Center" code references in the Cordata PUD.

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