ORDINANCE NO. 2014-09-046

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO BELLINGHAM'S COMPREHENSIVE PLAN, AMENDING AREAS 2 AND 3 OF THE CORNWALL PARK NEIGHBORHOOD PLAN AND SECTION 20.00.050 OF THE BELLINGHAM MUNICIPAL CODE.

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

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

WHEREAS, on May 13, 2013, the City Council added a proposal to amend the Cornwall Park Neighborhood Plan and BMC 20.00.050 to the list of applications to be considered for the 2013-2014 docket; and

WHEREAS, the proposed amendments to the Cornwall Park Neighborhood Plan and BMC would remove an outdated requirement to extend Orchard Place between West Orchard Drive and Baker Street; and

WHEREAS, the Public Works Department has identified that the extension of Orchard Place between West Orchard Drive and Baker Street is not needed for transportation purposes; and

WHEREAS, on June 27, 2013, the Planning Commission held a public hearing regarding the 2013-2014 docketing requests and recommended to the City Council that the Cornwall Park Neighborhood Plan and BMC 20.00.050 amendments be placed on the 2013-2014 docket; and

WHEREAS, the City Council conducted a public hearing on July 15, 2013 and placed the Cornwall Park Neighborhood Plan and BMC amendments on the annual 2013-2014 comprehensive plan amendment review; and

WHEREAS, a neighborhood board meeting was held on September 24, 2013 regarding the proposed neighborhood plan and BMC amendments; and

WHEREAS, the Cornwall Park Neighborhood Association's Board of Directors supports the proposed amendments to the Cornwall Park Neighborhood Plan and BMC, which will result in a public benefit by removing an outdated transportation improvement requirement; and

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WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a non-project Determination of Nonsignificance was issued on October 14, 2013; and

WHEREAS, as required by RCW 36.70A.106, notice of the City’s intent to adopt the proposed comprehensive plan amendments was sent to the Department of Commerce on October 14, 2013; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the Planning Commission held a public hearing on the proposed neighborhood plan amendments on November 21, 2013; and

WHEREAS, the Planning Commission determined that the proposed amendments to the CPNP and BMC comply with and will implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter made Findings, Conclusions and Recommendations for adoption of the proposed amendments; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed Cornwall Park Neighborhood Plan and BMC amendments on January 13, 2014; and

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

WHEREAS, the City Council finds that the proposed amendments to the Cornwall Park Neighborhood Plan and BMC meet the Comprehensive/Neighborhood Plan review criteria in BMC 20.20.040.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The Cornwall Park Neighborhood Plan is hereby amended as shown in EXHIBIT A.

Section 2. Bellingham Municipal Code 20.00.050, Cornwall Park Neighborhood Table of Zoning Regulations, is hereby amended as shown in EXHIBIT B.

Section 3. The Council adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission dated November 21, 2013, attached as EXHIBIT C.

PASSED by the Council this 8th day of September, 2014

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270
APPROVED by me this 15th day of September, 2014

Mayor

ATTEST:

Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: September 12, 2014
Area 2

Area 2 is approximately 16 acres. The area is currently unplatted and comprised of parcels as large as 2 acres. This area should provide a land use transition between the existing commercial uses on Meridian Street and the Light Industrial zoning directly to the east and south of the area.

Uses are generally limited to allow offices, smaller scale light industrial, and hospital related uses which will have minimal impact on the remaining single family uses and the existing commercial uses along Meridian Street. The only commercial/retail uses permitted will be those which are clearly accessory to the primary use, such as a pharmacy.

Screening shall be provided as necessary from remaining adjacent single family uses until such time as the adjacent use is redeveloped for light industrial/institutional purposes. Existing vegetation as well as the addition of tree plantings, fencing or building design may be employed for this purpose as determined by the Planning and Community Development Department.

Prior to any development in Area C, property owners shall meet the additional prerequisite conditions listed in the Cornwall Park Neighborhood zoning section of the Land Use and Development Code.

To address impacts on remaining residential uses from industrial or other allowed uses, site design will need to provide for adequate buffers and screens.

The special zoning regulations listed in the Land Use and Development Code for this area of the Cornwall Park Neighborhood are intended to address the following concerns: a) avoid industrial traffic on streets serving residences, b) ensure development can use Orchard Place, between Orchard Drive and Baker Street, while avoiding use of residentially developed portions of Baker Street, c) provide adequate buffering and development standards to avoid impacts on remaining residences, and d) avoid industrial infrastructure costs for properties remaining in residential use.

There should not be a required minimum yard for those properties abutting the Planned Commercial zoned properties along Meridian Street.

Industrial uses are limited to those identified in the Cornwall Park zoning section of the Land Use and Development Code.

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Area 2 Land Use Designation:  INDUSTRIAL
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**Area 3**

This area lies generally north of Birchwood Avenue, south and west of Interstate 5 and south and east of Areas 1 and 2. Present development consists of medical offices on Birchwood Avenue and a range of limited commercial uses and warehousing uses on Orchard Drive and Orchard Place south of Orchard Drive. Access to Meridian St., Interstate 5, Squalicum Parkway Truck Route and a rail spur make this a good Light Industrial area. Adequate buffering will be needed for the remaining houses and existing commercial uses to the north and west and for Cornwall Park to the south as the area makes the transitions to industrial uses.

Property located south of the railroad spur and the State Department of Fish and Wildlife pond (Bug Lake) and with access to Birchwood lies within the revised Squalicum Creek floodplain as identified in the 1994 R.W. Beck study. This area should be developed in a manner consistent with the implementation of the 1994 CZM management plan recommendations per City Council Resolution No. 54-94. This area can accommodate a designated floodway, adequate buffering of Bug Lake and appropriate light industrial or medical office uses similar to those existing uses fronting Birchwood Avenue.

Area 3 has been expanded to provide a location for industrial warehousing and distribution, manufacturing, and food processing uses. This expanded area (see Areas A and B, Exhibit Map #1) has explicitly limited uses to prevent erosion of this area's industrial potential by commercial, retail, office, or service uses. A treed buffer of sufficient width to remain structurally stable and provide complete visual screening shall be retained or established as necessary along the freeway corridor. In addition to the wall of trees requirement, screening shall be provided within Area 3 when it abuts Area 2.

**Map Areas A, B, and C**

Exhibit Map #1

Screening shall be provided as necessary from remaining adjacent single family uses until such time as the adjacent use is redeveloped for light industrial/institutional purposes. Existing vegetation as well as the addition of tree plantings, fencing or building design may be employed for this purpose as determined by the Planning and Community Development Department.

**PROPERTIES NORTH OF BAKER STREET ARE GENERALLY SMALLER THAN THOSE PROPERTIES SOUTH OF BAKER STREET. LOT CONSOLIDATION IS ENCOURAGED AND WOULD RESULT IN A LARGER, MORE FUNCTIONAL AREA FOR INDUSTRIAL USES.**

The special zoning regulations listed in the Land Use and Development Code for this area of the neighborhood are intended to address the following concerns: a) avoid industrial traffic on streets serving residences, b) ensure development can use Orchard Place, between Orchard Drive and Baker Street, while avoiding use of residentially developed portions of Baker Street, c) provide adequate buffering and development standards to
avoid impacts on remaining residences, and d) avoid industrial infrastructure costs for properties remaining in residential use.

The preferred alignment for the extension of Orchard Place would align with the northern terminus of the existing Orchard Place right of way. In the event development in Area B has precluded extension of Orchard Place on an alignment that extends from Orchard Place to the south, additional attention will need to be paid to ensure only manufacturing, distribution and warehousing uses are built in those remaining section of Area 3 north of Orchard Drive. Increased trip generation by any broader range of uses would have an unacceptable impact on area circulation. Because of the limitation on street capacity presented by any alignment other than that called for above in conditions B-1 and C-1.

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**Area 3 Land Use Designation:** Industrial
## Bellingham Municipal Code

### 20.00.050 Cornwall Park Neighborhood Table of Zoning Regulations

<table>
<thead>
<tr>
<th>Area</th>
<th>Zoning</th>
<th>Use Qualifier</th>
<th>Density</th>
<th>Special Conditions</th>
<th>Prerequisite Considerations</th>
<th>Special Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Industrial</td>
<td>Light</td>
<td>N/A</td>
<td>Screening from remaining single-family uses (see neighborhood plan).</td>
<td>Improve Baker St. to 36-ft. width with curbs. Extend Orchard Pl. between Baker St. and Orchard Dr. Extension of water and sewer.</td>
<td>Uses shall be limited to: 1. Medical, professional, and general business offices; 2. Indoor light manufacturing and warehousing; 3. Commercial uses which are accessory to the primary use; 4. Medical, assisted, and service care facilities licensed by the state of Washington; 5. Pharmacy; 6. Uses similar to above. Prior to any development in Area C, property owners shall meet the following prerequisite conditions:</td>
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<td>3</td>
<td>Industrial, limited for those properties located north of Orchard Drive.</td>
<td>Light, limited to warehousing, distribution and manufacturing (commercial uses allowed only as accessory to permitted industrial uses).</td>
<td>N/A</td>
<td>No clearing prior to approval of development site plan; shoreline; curb cut; buffer (see neighborhood plan); screening (see neighborhood plan).</td>
<td>Extension of Orchard Place (see conditions in neighborhood plan).</td>
<td>Food processing shall be permitted if the impacts (e.g., noise, smoke, odors or other objectionable nuisances) are insignificant, as determined by SEPA. Prior to development of any property within Area B, the property owners shall perform the following prerequisite conditions:</td>
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1. Establish a city-approved road alignment for Orchard Place between Orchard Dr. and Baker St.

2. Establish a legal mechanism.

Prior to development of any property between Orchard Dr. and Baker St., the property owners shall perform the following prerequisite conditions:

a. A 60-ft. wide road for Orchard Pl. between Orchard Dr. and Baker St. shall be dedicated to the city of Bellingham, consistent with the previously determined alignment.

b. A 60-ft. wide right-of-way for Orchard Pl. shall be dedicated to the city of Bellingham.

c. The property owners shall provide for the future construction of the full-standard street improvement of Orchard Pl.

d. Provide and record an agreement with the city of Bellingham, for future city staff to ensure future dedication of a 60-ft. wide right-of-way to Orchard Dr. and Orchard Pl.

e. In Area C, the property owners shall perform the following prerequisite conditions:

f. The property owners shall provide for the future construction of the full-standard street improvement of Orchard Pl.
<table>
<thead>
<tr>
<th>Area B</th>
<th>Area C</th>
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1. Prerequisite condition for development in Area B; and
2. Improve Orchard Pl. between Orchard Dr. and Baker St. Property owners within Area C shall provide and record an agreement acceptable to the city attorney that will provide for the future construction of the full-standard street improvement of Orchard Pl.
BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS

NOVEMBER 21, 2013

SUMMARY
Following the public hearing and deliberation on the proposed Cornwall Park Neighborhood Plan and BMC amendments, the Bellingham Planning Commission has determined that the proposed changes comply with and will implement the Comprehensive/Neighborhood Plan amendment criteria in Bellingham Municipal Code (BMC) 20.20.040. The Commission further finds that the proposal will implement the goals and policies of the Bellingham Comprehensive Plan.

I. FINDINGS OF FACT

1. Proposal Description:
Text amendments to the Cornwall Park Neighborhood Plan and BMC 20.00.050 to remove the requirement to extend Orchard Place between Baker Street and Orchard Drive.

2. Background Information/Procedural History:
May 13, 2013: The City Council added the proposal to the list of applications to be considered for the 2013-2014 docket.

June 27, 2013: The Planning Commission held a public hearing and recommended to the City Council that the proposal be placed on the 2013-2014 docket.

July 15, 2013: The City Council held a public hearing and approved the inclusion of the proposal on the 2013-2014 docket.

September 24, 2013: City staff attended a Cornwall Park Neighborhood Board meeting to discuss the subject proposal. No major objections were noted.

3. Public Comment:
To date, no public comment has been received regarding the proposed text amendments to the neighborhood plan and BMC.

Notice of the Planning Commission hearing was mailed to neighborhood representatives, neighborhood associations, and other parties with an interest in this topic. The notice was also published in the Bellingham Herald. Notices were issued at least 30 days prior to the hearing date. Staff attended a Cornwall Park Neighborhood Board meeting on September 24, 2013. No major objections were noted.

4. State Environmental Policy Act (SEPA) Determination:
A non-project SEPA determination of Non-Significance was issued by the City of Bellingham on October 14, 2013.

5. Consistency with the Bellingham Comprehensive Plan and Review Criteria:

*Comprehensive/Neighborhood Amendment Criteria*

*BMC 20.20.040 - Decision Criteria*

Petitioners requesting amendments to the 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 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 and other applicable laws;
   2. The proposed amendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the comprehensive plan goals and policies;
   3. The proposed amendment will result in long-term benefit to the community and is in the community's overall best interests;
   4. The amendment will not adversely affect the public health, safety or general welfare; and
   5. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030.

*BMC 20.20.040.B.1-B.5:*

**B.1 The proposed amendment is consistent with the Growth Management Act and other applicable laws;**

The proposed amendments comply with and help implement the infill, economic development, and transportation goals of the State Growth Management Act. The amendments reduce sprawl by facilitating development of an industrial infill area and encourage economic development by removing an outdated requirement to extend a street through commonly-owned industrial properties. Regarding transportation, the City's Public Works Department indicates the cross street is not needed for transportation circulation purposes.

**B.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 cross street extension requirement is outdated, as it has been included in the neighborhood plan since 1980. Zoning and uses within Areas 2 and 3 have changed since that time; thus, the removal of this requirement addresses changing neighborhood circumstances.

The proposed amendments also help achieve the goals and policies of the comprehensive plan. Policies ED-25 and ED-27 of the economic development chapter address the need to ensure suitable locations for industrial uses, such as manufacturing and food processing, and to attract new businesses to provide opportunities for skilled employment and living wage jobs. Policy ED-38 states that barriers to development of vacant land should be identified and removed.

Additionally, the amendments are consistent with the comprehensive plan's economic vitality and employment framework goal and land use chapter. Infill, rather than expanding the footprint of the urban area, is the preferred method to accommodate growth.

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

- The removal of barriers to industrial development is in the community's best interest in that it opens doors for new infill development and possible job growth opportunities.
- Any potential impacts associated with individual development proposals will be evaluated through a separate process.

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

- A portion of the area includes some environmentally sensitive features such as steep slopes, wetlands, and flood areas. The City's environmental protection rules are intended to protect and preserve environmentally sensitive areas. Individual projects will be subject to further environmental review under the State Environmental Policy Act.

- The area is served by utilities, such as sewer and water, and public services such as police, fire, schools, transit and parks. Future development will be required to show that there is capacity in the City's water distribution and sewer and stormwater conveyance and treatment systems to handle the impacts from the proposed development. If facilities are not adequate, development cannot proceed until improvements are made. The same is true for the transportation system - individual development projects must pass the City's concurrency test, or provide any improvements that are required.

B.5 If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030.

A rezone is not proposed with this amendment.

The Planning Commission finds that the proposed text amendments to the Cornwall Park Neighborhood Plan and BMC meet the Comprehensive/Neighborhood Plan amendment criteria outlined in BMC 20.20.040.B.1-5, are consistent with the City's Comprehensive Plan, and help achieve the comprehensive plan goals and policies.
II. CONCLUSION

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

1. The proposed text amendments to the Cornwall Park Neighborhood Plan and BMC 20.00.050 meet the Comprehensive Plan and Neighborhood Plan amendment criteria in BMC 20.20.040.

2. The proposed text amendments to the Cornwall Park Neighborhood Plan result in a public benefit by providing updated information in the plan.

3. The proposed text amendments to the neighborhood plan and BMC are supported by staff and the Cornwall Park Neighborhood Association. The proposal would not raise significant planning issues, create neighborhood-wide impacts, or adversely affect the public health, safety, and general welfare of the community.

4. The proposed amendments to the Cornwall Park Neighborhood Plan and BMC comply with, and will implement, the goals and policies of the Bellingham Comprehensive Plan.

III. RECOMMENDATION

Based on the findings and conclusions, the Planning Commission recommends that the City Council approve the proposed amendments to the Cornwall Park Neighborhood Plan and BMC 20.00.050 as shown in Attachments A and B of the staff report.

ADOPTED this 21st day of November, 2013

Planning Commission Chairperson

ATTEST:

Recording Secretary

APPROVED AS TO FORM:

City Attorney