AN ORDINANCE OF THE CITY OF BELLINGHAM'S COMPREHENSIVE PLAN
AND ZONING, SPECIFICALLY AMENDING THE SAMISH NEIGHBORHOOD BY
CREATING A NEW SUBAREA, AREA 1A, AND AMENDING SECTION 20.00.150
OF THE BELLINGHAM MUNICIPAL CODE TO CREATE A NEW SUBAREA,
AREA 1A.

WHEREAS, the City of Bellingham has adopted 25 neighborhood plans as a component
of the Bellingham Comprehensive Plan, including the Samish 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, the proposed amendments to the Samish Neighborhood Plan and BMC
would rezone the eastern 1.6 acres of Area 1 of the Samish neighborhood from
Commercial, Auto to Commercial, Planned; and

WHEREAS, the "planned" use qualifier is intended to provide a procedural framework
that addresses site-specific opportunities and concerns and lessens development
impacts to adjacent areas through site design and necessary mitigating measures; and

WHEREAS, the amendments would facilitate development of a long-standing
undeveloped infill site near a transit center; and

WHEREAS, on June 19, 2014, the Planning Commission held a public hearing regarding
the 2014-2015 docket requests and recommended to the City Council that the Samish
Neighborhood Plan, Area 1, and BMC 20.00.150 amendments be placed on the 2014-
2015 docket; and

WHEREAS, on August 4, 2014, the City Council held a public hearing and placed the
Samish Neighborhood Plan and BMC 20.00.150 amendments on the annual 2014-2015
list of comprehensive plan amendments; and

WHEREAS, the applicant held a pre-application neighborhood meeting on August 25,
2014, regarding the proposed neighborhood plan and BMC amendments; and

WHEREAS, the responsible official reviewed the proposed amendments under the
procedures of the State Environmental Policy Act, and a non-project Determination of
Non-Significance was issued on March 5, 2015; 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 March 13, 2015; 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 March 19, 2014; and

WHEREAS, the Planning Commission determined that the proposed amendments to the Samish Neighborhood Plan 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 Samish Neighborhood Plan and BMC amendments on May 5, 2015; 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 creation of a new subarea, Area 1A in the Samish Neighborhood and BMC meet the Comprehensive/Neighborhood Plan review criteria in BMC 20.20.040 and the rezone criteria in BMC 20.19.030.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The City Council adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission dated March 19, 2015, attached as Exhibit A.

Section 2. The Samish Neighborhood Plan is hereby amended to include a new subarea, Area 1A, as shown in Exhibit B.

Section 3. The Samish Neighborhood Land Use Map is hereby amended as shown on Exhibit C.

Section 4. The Samish Neighborhood Table of zoning and Regulations, Bellingham Municipal Code 20.00.150, is hereby amended as shown in Exhibit D, incorporating a new subarea, Area 1A.
Section 5. The Samish Neighborhood Zoning Map is hereby amended as shown on Exhibit E.

PASSED by the Council this 15 day of June, 2015

Council President

APPROVED by me this 22nd day of June, 2015

Mayor

ATTEST: Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: June 19, 2015
SUMMARY
Following the public hearing and deliberation on the proposed Samish Neighborhood Plan and BMC amendments to rezone the eastern 1.6 acres of Area 1 of the Samish neighborhood from Commercial, Auto to Commercial, Planned, and create a new subarea, Area 1A of the Samish Neighborhood, the Bellingham Planning Commission has determined that the changes are consistent with and will implement the comprehensive plan amendment criteria in Bellingham Municipal Code (BMC) 20.20.040, the rezone criteria in BMC 20.19.030, and the goals and policies of the Bellingham Comprehensive Plan.

The Commission further finds that amendments will facilitate development of a longstanding undeveloped infill site with uses that are more compatible with the residential character of the surrounding neighborhood and provide an appropriate transition from the remaining commercially zoned land and the residential neighborhood.

I. FINDINGS OF FACT

1. Proposal Description:

Request for a rezone and comprehensive plan amendment for the eastern 1.6 acres of Area 1 of the Samish Neighborhood. The proposal includes modifications to the text of Area 1 of the Samish Neighborhood Plan and rezone request from Commercial, Auto, to Commercial, Planned. The proposal includes placing the 1.6-acre site into a new subarea, Area 1A.

2. Background Information/Procedural History:

June 19, 2014: The Planning Commission held a public hearing and recommended to the City Council that the proposal be placed on the 2014-2015 docket.

August 4, 2014: The City Council held a public hearing and approved the inclusion of the proposal on the 2014-2015 docket.

3. Public Comment:

Notice of the Planning Commission hearing was mailed to property owners within 500 feet of the subject area, in addition to neighborhood representatives, neighborhood associations, and other parties with an interest in this topic. Notice was also published in the Bellingham Herald 30 days prior to the hearing.
A pre-application neighborhood meeting was held on August 25, 2014. Several attendees expressed concerns regarding development of the site with housing for students, increased traffic, and the effects of parking spilling over into the residential neighborhood.

Seven public comments were submitted in response to the proposed comprehensive plan amendment and rezone request. The public comment letters raised concerns regarding the lack of density restrictions, neighborhood character, inadequate parking, increased traffic, noise and trash, lack of adequate bike lanes, and ecological issues.

4. State Environmental Policy Act (SEPA) Determination:

A non-project SEPA Determination of Non-Significance was issued by the City of Bellingham on March 5, 2015. Notice was published in the Bellingham Herald and on the City's website.

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:

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

The Planning Commission finds the proposed amendments are consistent with the infill and economic development goals of the State Growth Management Act (GMA). The rezone would facilitate development of a long-standing undeveloped infill site in close proximity to a transit center. Relevant GMA goals include the following:

- Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner;
- Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- Encourage the availability of affordable housing to all economic segments of the population and promote a variety of residential densities and housing types; and
- Encourage economic development throughout the state that is consistent with adopted comprehensive plans and promote economic opportunity for all citizens of this state.

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 Samish Neighborhood Plan was adopted in 1980. Since that time, the Washington State Growth Management Act and City-wide plans and policies supporting infill development have been adopted. Additionally, the properties within the vicinity of the subject site have been developed with commercial, multi-family and single-family uses, signaling its appropriateness to implement a zoning designation that allow for a mixed multi-family/commercial project.

A multifamily residential development in this location would provide an appropriate transition between the existing residential neighborhood, which is primarily developed with single family residences, and the commercially zoned property (Lincoln Creek Transportation Center) located west of the subject site.

The Planning Commission finds that the proposal will help achieve the City's Legacies and Strategic Commitments calling for development within existing infrastructure. The proposal is also consistent with the goals and policies of the City's comprehensive plan, including the following:

- VB 2: Bellingham's way of accommodating growth while retaining a compact form is to emphasize infill.
- Infill Strategy 1: Make more efficient use of the remaining City land supply: facilitate development on existing lots of record...other steps necessary to make better use of the remaining land supply.
- LU-27: ...Any efforts to increase the allowed density in existing neighborhoods will be focused on remaining undeveloped areas.
- LU-46: Commercial land use designation shall provide a well-distributed system of commercial uses that serve community residents.
- LU-49: Mixed use developments should be encouraged in all commercial zones.
- HP-20: Encourage infill development on land which remains vacant or underutilized, in otherwise built-up areas.
- Policy ED-38: Identify and remove barriers to redeveloping underutilized and/or vacant land and buildings.

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

The applicant's request for a planned use qualifier allows the opportunity to develop the property with multifamily uses, which will provide housing opportunities for the community in an area that is served by existing infrastructure and located near a transit center. This type of development supports several community goals, including infill and the provision of a variety of housing types. Any potential impacts associated with an individual development proposal will be evaluated through the Planned Development permitting process, which seeks to lessen development impacts to adjacent areas through site design and mitigating measures.

The Commercial Planned zoning requirement to construct a commercial use or uses with any residential development was raised as an issue by the applicants and some commissioners. It was determined that this requirement is not appropriate on this site because of the location of this particular property. Given the location, it would be
difficult for a commercial use to be successful. As a result, the Commission added a recommendation that residential uses should be permitted without the requirement to include a commercial use or uses.

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

The area is served by existing utilities, such as sewer and water, and public services such as police, fire, schools, transit and parks.

Future development proposal will be reviewed to determine the project's transportation impact fees and the adequacy of the transportation network to accommodate the project (i.e. transportation concurrency). There was no evidence submitted determining that traffic generated from development of the site under the proposed zoning will adversely affect the public health, safety, or general welfare of the city.

The Planning Commission finds no evidence to suggest that approval of the neighborhood plan amendments and rezone will adversely affect the public health, safety, or general welfare. Site improvements, such as sidewalks and lighting, will be required with any future development proposal. Site design and compatibility issues will be addressed through the Planned Development permitting process, as well as the Design Review process, if applicable.

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

This proposal includes a rezone. See the rezone criteria listed below.

**Rezone Decision Criteria, BMC 20.19.030**

The city may approve or approve with modifications an application for a rezone of property if:

**A. It is consistent with the comprehensive plan or corresponds to a concurrent comprehensive plan amendment application;**

The proposal includes a comprehensive plan amendment request. The rezone proposal is consistent with a number of comprehensive plan goals as discussed under comprehensive plan amendment criterion #2.

**B. It will not adversely affect the public health, safety or general welfare;**

Based on the review of comprehensive plan amendment review criteria #3 and #4, the Planning Commission finds that the proposed rezone will not adversely affect health, safety and welfare and will result in a long-term benefit to the community.

**C. It is in the best interests of the residents of Bellingham;**

See the discussion under comprehensive plan amendment decision criterion #3.
D. The subject property is suitable for development in general conformance with the zoning standards under the proposed zoning district;

The subject vacant infill site is suitable for development under the proposed Commercial, Planned zoning. The site includes mature trees and steep slopes in excess of 30% in some locations. A Planned Development proposal, which will include a site plan, environmental checklist, and Design Review (if applicable), among other requirements, will be developed that reflects the intended use of the site if the rezone and comprehensive plan amendment applications are approved.

E. Adequate public facilities and services are, or would be, available to serve the development allowed by the proposed zone;

The area is served by existing public facilities and services. The project's need for additional public facilities will be reviewed and evaluated through the land use permitting process as development occurs.

See the discussion under comprehensive plan amendment decision criterion #4.

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

Per BMC 20.38.020, the "planned" use qualifier is intended for areas that are adaptable to flexible development and/or where review of pending development proposals is necessary to ensure that adequate provisions are taken to minimize possible detrimental effects. The procedural framework seeks to preserve, to the greatest extent possible, the existing landscape features, addresses site-specific opportunities and concerns, and lessens development impacts to adjacent areas through site design and necessary mitigating measures. The Commercial Planned zone is also intended to ensure compatibility between the development and the surrounding area. Additionally, allowing high density residential uses will provide an appropriate transition between the existing residential neighborhood and the commercial zoned properties located west of the subject site.

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
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.

Conditions in the vicinity of the subject project have changed as noted in comprehensive plan review criterion #2. The proposed rezone will implement a number of comprehensive plan goals as outlined in comprehensive plan amendment review criterion #2.

The Planning Commission finds that the proposal meets the comprehensive/neighborhood plan amendment criteria in BMC 20.20.040 and the rezone criteria outlined in BMC
II. CONCLUSION

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

1. The proposed rezone and amendments to the Samish Neighborhood Plan meet the comprehensive plan and neighborhood Plan amendment criteria in BMC 20.20.040 and the rezone criteria in BMC 20.19.030.

2. The proposed rezone and amendments to the Samish Neighborhood Plan result in a public benefit by facilitating development of an infill site along near a transit center.

3. The requirement to include a commercial use or uses with any residential development is not appropriate on this particular site. As a result, residential uses should be permitted outright.

4. The proposed rezone and amendments to the Samish Neighborhood Plan are supported by staff. The proposal would not raise significant planning issues or adversely affect the public health, safety, and general welfare of the community.

5. The proposed rezone and amendments to the Samish Neighborhood Plan 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 attached ordinance, Exhibit M of the March 19, 2015 Planning Commission staff report. This ordinance adopts an amendment to the Samish Neighborhood Plan to create a new subarea, Area 1A, with a Commercial land use designation and adopts an amendment to the Samish Neighborhood Table of Zoning Regulations (BMC 20.00.150) by creating a new zoning subarea, Area 1A in the zoning table with a Commercial, Planned zoning. The zoning table also includes a special regulation to allow residential uses as an outright permitted use.

ADOPTED this 20th day of March, 2015.

Planning Commission Chairperson

ATTEST: ____________________________

Recording Secretary
APPROVED AS TO FORM:

City Attorney
SAMISH NEIGHBORHOOD PLAN

AREA 1A

This area is located uphill from the existing Lincoln Creek Transportation Center. This subarea establishes an appropriate transition from the established residential uses north and east of Maple and Ashley Streets and commercial zoned properties to the east.

The riparian buffer associated with Lincoln Creek and the site's topography are unique characteristics of this subarea. These physical features provide natural transition from this area to the properties immediately to the west and the residential neighborhood east of Ashley Street.

Area 1A Land Use Designation: Commercial
B. Samish 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>1A</td>
<td>Commercial</td>
<td>Planned (See Special Regulations for uses)</td>
<td>N/A</td>
<td>None.</td>
<td>None.</td>
<td>Uses are permitted as specified in BMC 20.38, except:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1) Residential uses are permitted outright.</td>
</tr>
</tbody>
</table>
### SAMISH NEIGHBORHOOD ZONING

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING DESIGNATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Commercial, Auto</td>
</tr>
<tr>
<td>1A</td>
<td>Commercial, Planned</td>
</tr>
<tr>
<td>2</td>
<td>Commercial, Planned</td>
</tr>
<tr>
<td>2A</td>
<td>Residential Multi, Planned</td>
</tr>
<tr>
<td>3</td>
<td>Residential Multi, Planned</td>
</tr>
<tr>
<td>4</td>
<td>Residential Single</td>
</tr>
<tr>
<td>5</td>
<td>Residential Single</td>
</tr>
<tr>
<td>6</td>
<td>Residential Single</td>
</tr>
<tr>
<td>6A</td>
<td>Residential Single</td>
</tr>
<tr>
<td>7</td>
<td>Public, Open Space/Park/Recreation</td>
</tr>
<tr>
<td>8</td>
<td>Residential Multi, Planned</td>
</tr>
<tr>
<td>9</td>
<td>Commercial, Planned</td>
</tr>
</tbody>
</table>

### Notes
- This document includes a map of the Samish Neighborhood with zoned areas marked in different colors.
- The map shows various zoning designations as listed in the table above.
- The diagram is a representation of the area's zoning designations and should be used for planning and development purposes.

**City of Bellingham**
Bellingham City Attorney
201 Washington Street
Bellingham, WA 98225
360-778-8270

**City of Bellingham**
201 Washington Street
Bellingham, WA 98225
360-778-8270

2/3/2015
20/08/2015