ORDINANCE NO. 2014-09-047

AN ORDINANCE OF THE CITY OF BELLINGHAM RELATING TO BELLINGHAM’S COMPREHENSIVE PLAN, ADDING NEW SUB-AREAS TO THE SAMISH, HAPPY VALLEY, CORDATA NEIGHBORHOOD PLANS, AMENDING EACH COMPREHENSIVE PLAN LAND USE DESIGNATION MAP, AND AMENDING BMC 20.00.045 CORDATA NEIGHBORHOOD TABLE OF ZONING REGULATIONS.

WHEREAS, the City of Bellingham has adopted 25 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Samish, Happy Valley, and Cordata Neighborhood Plans; 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 neighborhood plan amendments to add narratives for Samish Area 5A, Happy Valley Area 5A, and Cordata Area 17A and modify the Comprehensive Plan Land Use Designation maps, will provide consistency between the Bellingham Municipal Code and the Bellingham Comprehensive Plan; and

WHEREAS, on June 27, 2013, the Planning Commission held a public hearing regarding the 2013-2014 docketing requests and recommended to City Council that the subject neighborhood plan amendments be placed on the annual 2013-2014 Docket; and

WHEREAS, the City Council conducted a public hearing on July 15, 2013 and placed the subject proposal on the annual 2013-2014 comprehensive plan amendment Docket; and

WHEREAS, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and existing environmental documents were adopted on September 24, 2013; and

WHEREAS, 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 4, 2013; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on the proposed neighborhood plan amendments on October 17, 2013; and

WHEREAS, the Planning Commission determined that the proposed amendments to the neighborhood plans and land use designation maps for the Samish Neighborhood Area 5A, Happy Valley Neighborhood Area 5A, and Cordata Neighborhood Area 17A comply
with, and will implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the Planning Commission recommended to remove a special condition regarding the dedication of Cordata Parkway in the zoning table for Area 17A of the Cordata Neighborhood, BMC 20.00.045, due to the property not abutting Cordata Parkway; and

WHEREAS, the Planning Commission considered the staff report and thereafter made Findings, Conclusions and voted 6-0 to recommend the City Council adopt the proposed amendments; and

WHEREAS, after mail and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed neighborhood plan amendments and modification to the zoning table on December 9, 2013; and

WHEREAS, the City Council considered the recommendation of the Planning Commission and the staff report, 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 neighborhood plans and land use designation maps for the Samish Neighborhood Area 5A, Happy Valley Neighborhood Area 5A, and Cordata Neighborhood Area 17A, meet the Comprehensive/Neighborhood Plan review criteria in BMC 20.20.040 A.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The City Council adopts the Findings and Conclusions of the Planning Commission as attached as EXHIBIT A and incorporated by reference.

Section 2. The Samish Neighborhood Plan is hereby amended as shown in EXHIBIT B.

Section 3. The Samish Neighborhood Comprehensive Plan Land Use Map is amended as shown in EXHIBIT C.

Section 4. The Happy Valley Neighborhood Plan is hereby amended as shown in EXHIBIT D.

Section 5. The Happy Valley Neighborhood Comprehensive Plan Land Use Map is amended as shown in EXHIBIT E.

Section 6. The Cordata Neighborhood Plan is hereby amended as shown in EXHIBIT F.
Section 7. The Cordata Neighborhood Comprehensive Plan Land Use Map is amended as shown in EXHIBIT G.

Section 8. The Cordata Neighborhood Zoning Table (BMC 20.00.045) is hereby amended to remove a special condition from Area 17A as shown in EXHIBIT H.

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

[Signature]
Council President Pro Tem

APPROVED by me this 15th day of September, 2014

[Signature]
Mayor

ATTEST:

[Signature]
Finance Director

APPROVED AS TO FORM:

[Signature]
Office of the City Attorney

Published: September 12, 2014

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-778-8270
Following the public hearing and deliberation on the proposed amendments to the Samish, Happy Valley, and Cordata Neighborhood plans, the Planning Commission has determined that the proposed changes comply with and implement the goals and policies of the Bellingham Comprehensive Plan, and meets the criteria in BMC 20.20.040 A. As part of this proposal the Planning Commission recommended changes to Area 17A in the Cordata Neighborhood table of zoning regulations to remove an outdated condition that required the dedication of 10 feet of right-of-way along Cordata Pkwy.

I. FINDINGS OF FACT

1. Proposal Description

Consideration of neighborhood plan amendments to add narratives for recently rezoned areas in three neighborhood plans and amend the corresponding comprehensive plan land use designation maps. Also proposed is a minor change to the zoning table for the Cordata Neighborhood to remove a special condition in Area 17A. The requested amendments to the Samish, Happy Valley, and Cordata Neighborhood plans and the Cordata Neighborhood zoning table, are minor changes that will ensure consistency between the neighborhood plans and land use development code.

The proposed amendments are shown in the draft ordinance (Attachment A).

2. Background Information/Procedural History

1. Samish Neighborhood – In June, 2007, the City Council approved a rezone that created a new Area, Area 5A, on the Samish Neighborhood zoning map and in the zoning table. Ordinance #2007-06-044

2. Happy Valley Neighborhood – In March, 2010, the City Council approved a rezone that created a new Area, Area 5A, on the Happy Valley Neighborhood zoning map and in the zoning table. Ordinance #2010-03-016

3. Cordata Neighborhood – On April 25, 2013, the City Council approved a rezone that created a new Area, Area 17A, on the Cordata Neighborhood zoning map and in the zoning table. Ordinance #2013-07-052

4. On June 27, 2013, the Bellingham Planning Commission held a public hearing regarding the 2013-2014 docketing requests and recommended to City Council that the proposed neighborhood plan amendments be placed on the annual 2013-2014 docket.
5. The City Council conducted a public hearing on July 15, 2013 and placed the proposed neighborhood plan amendments on the annual 2013-2014 docket for the Samish, Happy Valley, and Cordata Neighborhoods.

3. Public Comment
A Public Hearing Notice was mailed to property owners, neighborhood representatives and Associations, and other interested parties. Notice also published in the Bellingham Herald. No public comments were received.

4. State Environmental Policy Act (SEPA) Determination
The City adopted existing environmental documents on September 24, 2013. Notice of the adoption was published in the Bellingham Herald.

5. Consistency with the Comprehensive Plan Amendment Decision Criteria
BMC 20.20.040 requires the Planning Commission to consider the following decision criteria when reviewing Comprehensive Plan amendments:

A. There exists an error, omission or inconsistency in the pertinent comprehensive plan or neighborhood plan provision;

   The amendments to the neighborhood plans are minor and will ensure consistency between the associated neighborhood plans and the land use development code sections. The proposal will create a narrative for each area in the neighborhood plan and amend the neighborhood comprehensive land use designation maps to show these areas.

   The narratives need to be added to the neighborhood plans for each area because they help define the character of the area and provide guidance for discretionary permits. The maps need to be modified to show that the land use designation for the areas has changed.

II. CONCLUSIONS

The Planning Commission concludes:

1. The proposal to add narratives for each area to the corresponding neighborhood plans is needed to provide consistency between the Bellingham Municipal Code and the Bellingham Comprehensive Plan.

2. The proposal to modify the comprehensive plan land use designation maps will provide consistency between the zoning and comprehensive plan maps.

3. The proposal to remove the requirement, "dedication of 10 feet of right-of-way along Cordata Pkwy," in the special conditions column of the zoning table for Area 17A of the Cordata Neighborhood, BMC 20.00.045, is necessary because the area does not abut Cordata Parkway.

4. The proposed amendments to Cordata Area 17A, Happy Valley Area 5A, and Samish Area 5A are consistent with, and will help implement, the goals and policies of the Bellingham Comprehensive Plan, and meet the Comprehensive Plan and Neighborhood Plan amendment criteria in BMC 20.20.040 A.
III. RECOMMENDATION

Based on the foregoing findings of fact and conclusions, the Bellingham Planning Commission recommends that the City Council approve the amendments to the Comprehensive Plan to add narratives to the neighborhood plans and modify the land use designation maps for Cordata Area 17A, Happy Valley Area 5A, and Samish Area 5A as shown in the attached documents. The Bellingham Planning Commission also recommends that the City Council approve the amendment to the special conditions section of the zoning table for Area 17A of the Cordata Neighborhood, BMC 20.00.045, to remove the condition requiring dedication of Cordata Parkway.

ADOPTED this 17TH day of October, 2013.

Planning Commission Chair

ATTEST: [Signature]
Recording Secretary

APPROVED AS TO FORM:

City Attorney
Samish Neighborhood

AREA 5A

This area is approximately 2.19 acres in size and is bordered by Lindsay Avenue to the north, Connelly Avenue to the south, and Samish Way to the west. The area was rezoned in 2007 from 20,000 square feet per detached single family residence to 7,201 square feet per detached single family residence.

The area is characterized as forested with the potential for views of Bellingham Bay. Tree retention and/or preservation language should be considered for the zoning table to help maintain the area's wooded atmosphere and important natural qualities.

Area 5A Land Use Designation: Single Family Residential, Low Density
SAMISH NEIGHBORHOOD LAND USE

COMPREHENSIVE PLAN AREA LAND USE DESIGNATION

1 Commercial
2 Commercial
2A Multi-Family Res., Med. to High Density
3 Multi-Family Res., Med. Density
4 Single Family Res., Low Density
5 Single Family Res., Low Density
6 Single Family Res., Low Density
7 Public
8 Multi-Family Res., Low Density
9 Commercial

0 850 1,700 2,550 3,400 Feet

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Happy Valley Neighborhood

Area 5A

This is an 1.19 acre area that is bounded by Wilson Avenue to the north, 20th Street to the east, and Old Fairhaven Parkway to the south. The area was rezoned in 2010. The rezone effectively maintained the existing single family zoning and density (twelve dwelling units), but allowed houses to be clustered on smaller lots for purposes of consolidating open space on the south side of the area. The zoning table outlines special conditions and regulations concerning development and protection/enhancement for the south side of the property.

On March 2, 2010, the City and the property owner signed a development agreement that indicates development and design standards to construct attached and detached single family residences.

AREA 5A LAND USE DESIGNATION: SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY

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Happy Valley Neighborhood Plan

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HAPPY VALLEY
NEIGHBORHOOD
LAND USE

AREA LAND USE DESIGNATION

1A Multi-family Res., High Density
1B Commercial
1C Institutional
2A Public
2B Public/Institutional
3 Multi-family Res., High Density
4 Commercial
6 Public
7 Single Family Res., Low Density
8 Public
10 Commercial
11 Public
11A Public
13 Public
14 Commercial

NOTE: This boundary is between lots 23 & 24 of block 64, plat of Fairhaven Land Co.'s 3rd Addition.
Cordata Neighborhood

Area 17A

This 2.4-acre area, is located on West Bakerview Road and is surrounded by commercial development to the east and west and residential development to the north. The area was rezoned in 2013 to remove the minimum planned contract site plan area for commercial and residential development. Silver Creek bisects the site in an underground culvert. Necessary easements and maintenance provisions for this section of Silver Creek should be provided as development occurs. Given the proximity of Area 17A to existing residential and commercial development, either commercial or a mix of commercial and residential development, would be compatible for the site and neighborhood.

AREA 17A LAND USE DESIGNATION: COMMERCIAL
### 20.00.045 Cordata neighborhood table of zoning regulations.

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<th>Area</th>
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<td>17A</td>
<td>Commercial</td>
<td>Planned, residential units allowed; small scale office, 2,500 sq. ft. or less per building</td>
<td>Establish residential density through planned review process; density greater than RM 2,500 will require underground parking or an alternative approved through the planned process.</td>
<td>Buffers; internal and pedestrian circulation; dedication of 40 feet of right-of-way along Cordata Pkwy.</td>
<td>Land or fee contribution to combined park/trail system for W. Bakerview area between Cordata Pkwy. and Northwest (see 1993 Tate Plan).</td>
<td>None</td>
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