



City Council Agenda Bill

20261

Bill Number

Subject: A public hearing to consider amendments to the Cornwall Park Neighborhood Plan and Bellingham Municipal Code (BMC) 20.00.050 to remove the requirement to extend Orchard Place between West Orchard Drive and Baker Street.

Summary Statement: The City recently received several inquiries regarding the development of industrial property within Areas 2 and 3 of the Cornwall Park Neighborhood. Both the Cornwall Park Neighborhood Plan and BMC include a requirement to extend Orchard Place from West Orchard Drive to Baker Street, bisecting commonly-owned industrial property. The cross street extension requirement is outdated, poses a barrier to development of an industrial infill site, and is not needed for transportation purposes; therefore, this requirement should be removed from the neighborhood plan and BMC. The Planning Commission held a public hearing on November 21, 2013, and voted 6-0 to recommend approval of the changes.

Previous Council Action: Resolution #2013-10 establishing the docket of proposed Comprehensive Plan Amendments to be reviewed in 2013-2014.

Fiscal Impact: Staff time to complete the legislative process for docketed items is incorporated into the adopted 2013 budget and is proposed in the 2014 PCD base budget.

Funding Source: General Fund

- Attachments:**
- A. Ordinance
 - B. Planning Commission Staff Report
 - C. Planning Commission Meeting Minutes

Public Hearing Notice
No written comment was received by City Council.

Meeting Activity	Meeting Date	Staff Recommendation	Presented By	Time
Public Hearing Council Vote Requested	13-Jan-2014	Pass Ordinance	Lisa Pool, Senior Planner	10 min

Council Committee:

Agenda Bill Contact:

Lisa Pool, Senior Planner, 778-8300

Committee Actions:

Reviewed By

Jeffrey Thomas, PCD
Director

Initials

JT

Date

1-6-2014

Council Action:

Legal
Mayor

AAW 1/7/14
KL/BA 1/7/14

ORDINANCE NO. _____

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

43 result in a public benefit by removing an outdated transportation improvement
44 requirement; and

45
46 **WHEREAS**, the responsible official reviewed the proposed amendments under the
47 procedures of the State Environmental Policy Act, and a non-project Determination of
48 Nonsignificance was issued on October 14, 2013; and

49
50 **WHEREAS**, as required by RCW 36.70A.106, notice of the City's intent to adopt the
51 proposed comprehensive plan amendments was sent to the Department of Commerce
52 on October 14, 2013; and

53
54 **WHEREAS**, after mailed and published notice as required by BMC 21.10, the Planning
55 Commission held a public hearing on the proposed neighborhood plan amendments on
56 November 21, 2013; and

57
58 **WHEREAS**, the Planning Commission determined that the proposed amendments to the
59 CPNP and BMC comply with and will implement the goals and policies of the Bellingham
60 Comprehensive Plan; and

61
62 **WHEREAS**, the Planning Commission considered the staff report and comments
63 received and thereafter made Findings, Conclusions and Recommendations for adoption
64 of the proposed amendments; and

65
66 **WHEREAS**, after mailed and published notice as required by BMC 21.10, the City
67 Council held a public hearing on the proposed Cornwall Park Neighborhood Plan and
68 BMC amendments on January 13, 2014; and

69
70 **WHEREAS**, the City Council considered the recommendation of the Planning
71 Commission, the staff report, and the public comment and hereby adopts the Findings of
72 Fact, Conclusions and Recommendations of the Planning Commission; and

73
74 **WHEREAS**, the City Council finds that the proposed amendments to the Cornwall Park
75 Neighborhood Plan and BMC meet the Comprehensive/Neighborhood Plan review
76 criteria in BMC 20.20.040.

77
78 **NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

79
80 **Section 1.** The Cornwall Park Neighborhood Plan is hereby amended as shown in
81 EXHIBIT A.

82
83 **Section 2.** Bellingham Municipal Code 20.00.050, Cornwall Park Neighborhood Table
84 of Zoning Regulations, is hereby amended as shown in EXHIBIT B.

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

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PASSED by the Council this _____ day of _____, 2014

Council President

APPROVED by me this _____ day of _____, 2014

Mayor

ATTEST: _____
Finance Director

APPROVED AS TO FORM:

Office of the City Attorney

Published: _____

Exhibit A

CORNWALL PARK NEIGHBORHOOD PLAN

V. SUBAREA DESCRIPTIONS AND LAND USE DESIGNATIONS

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.

AREA 2 LAND USE DESIGNATION: **INDUSTRIAL**

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 tree 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,~~ e b) provide adequate buffering and development standards to

avoid impacts on remaining residences, and d c) 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.~~

AREA 3 LAND USE DESIGNATION: INDUSTRIAL

Bellingham Municipal Code

20.00.050 Cornwall Park Neighborhood Table of Zoning Regulations

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
2	Industrial	Light	N/A	Screening from remaining single-family uses (see neighborhood plan).	<p>Improve Baker St. to 36-ft. width with curbs. Extend Orchard Pl. between Baker St. and Orchard Dr.</p> <p>Extension of water and sewer.</p>	<p>Uses shall be limited to:</p> <ol style="list-style-type: none"> 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. <p>Prior to any development in Area C, property owners shall meet the following prerequisite conditions:</p>

						<p>1. A 60-ft. wide right-of-way for Orchard Pl., between Orchard Dr. and Baker St., will be dedicated to the city of Bellingham, consistent with the previously determined alignment established for Area 3;</p> <p>2. Improve Orchard Pl. between Orchard Dr. and Baker St.;</p> <p>3. An agreement shall be provided and recorded which is acceptable to the city attorney that will provide for the future construction of the full standard street improvement of Orchard Pl. Such agreement shall make reference to all property abutting Baker and Beal Sts.</p>
3	Industrial, limited for those properties located north of Orchard Drive.	Light, limited to warehousing, distribution and manufacturing (commercial uses allowed only as accessory to permitted industrial uses).	N/A	No clearing prior to approval of development site plan; shoreline; curb cut; buffer (see neighborhood plan); screening (see neighborhood plan).	Extension of Orchard Place (see conditions in neighborhood plan)	<p>Food processing shall be permitted if the impacts (e.g., noise, smoke, odors or other objectionable nuisances) are insignificant, as determined by SEPA.</p> <p>Prior to development of any property within Area B, the property owners shall perform the following prerequisite conditions:</p>

					<p>1. Establish a city approved road alignment for Orchard Place between Orchard Dr. and Baker St.;</p> <p>2. Establish a legal mechanism, acceptable to city staff, to ensure future dedication of a 60 ft. wide right of way to the city of Bellingham for Orchard Pl. between Baker St. and Orchard Dr.; and</p> <p>3. 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.</p> <p>Prior to development of any property in Area C, the property owners shall perform the following prerequisite conditions:</p> <p>1. A 50 ft. wide right of way for Orchard Pl., between Orchard Dr. and Baker St., shall be dedicated to the city of Bellingham, consistent with the previously determined alignment (that alignment specified above as a</p>
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						<p>prerequisite condition for development in Area B); and</p> <p>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.</p>
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**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-26 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

CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic: Text amendments to the Cornwall Park Neighborhood Plan and Section 20.00.050 of the Bellingham Municipal Code (BMC), Cornwall Park Neighborhood Table of Zoning Regulations, to remove the requirement to extend Orchard Place between West Orchard Drive and Baker Street.
For: November 21, 2013 Planning Commission Public Hearing
Staff Contact: Lisa Pool, Senior Planner

I. SUMMARY OF PROPOSAL

The subject proposal, initiated by City staff, includes amendments to the Cornwall Park Neighborhood Plan (CPNP) and Bellingham Municipal Code (BMC). Specific amendments are as follows:

- 1. Revisions to Section V of the CPNP, Subarea Descriptions and Land Use Designations, to remove the requirement to extend Orchard Place between West Orchard Drive and Baker Street for Areas 2 and 3.
2. Revisions to Section 20.00.050 of the BMC, Cornwall Park Neighborhood Table of Zoning Regulations, to remove the requirement to extend Orchard Place between W. Orchard Dr. and Baker St. for Areas 2 and 3.

The proposed neighborhood plan and BMC amendments are shown in (see Council packet).

II. PLANNING COMMISSION ROLE

The proposal before the Planning Commission is a legislative Type VI process. The Planning Commission must hold a public hearing and issue findings of fact, conclusions and recommendations to City Council. City Council will also hold a public hearing and make a final decision on the proposal.

Draft findings of fact, conclusions and recommendations are included in (see Council packet). The Planning Commission should adopt or modify the draft findings as needed to support its recommendation.

III. BACKGROUND

According to the Washington State Growth Management Act, cities are allowed to amend their comprehensive plans once a year, with certain exceptions. As Bellingham's

1 neighborhood plans are components of the City's comprehensive plan, changes to these
2 plans are subject to the annual amendment schedule.

3
4 Process highlights thus far include:

5 May 13, 2013: The City Council added the proposal to the list of applications to be
6 considered for the 2013-2014 docket.

7
8 June 27, 2013: The Planning Commission held a public hearing and recommended to the
9 City Council that the proposal be placed on the 2013-2014 docket.

10
11 July 15, 2013: The City Council held a public hearing and approved the inclusion of the
12 proposal on the 2013-2014 docket.

13
14 September 24, 2013: City staff attended a Cornwall Park Neighborhood Board meeting to
15 discuss the subject proposal. No major objections were noted.

16 17 **IV. ISSUES**

18
19 The City recently received several inquiries regarding the development of industrial property
20 within Areas 2 and 3 of the Cornwall Park Neighborhood. Through research, staff
21 determined a requirement to extend Orchard Place through the area exists in both the
22 Cornwall Park Neighborhood Plan and BMC.

23
24 The CPNP was originally adopted in 1980 and last updated in 2010 in conjunction with the
25 adoption of the Fountain District Urban Village Subarea Plan. Since 1980, the plan has
26 included the following language regarding the extension of Orchard Place, "A cross street
27 between Baker Street and Orchard Drive will be needed to assure alternate access".

28
29 The prerequisite conditions and special regulations for Areas 2 and 3 in BMC 20.00.050,
30 Cornwall Park Neighborhood Table of Zoning Regulations, include language requiring the
31 dedication of right-of-way for the Orchard Place extension, the improvement of this
32 roadway, and an agreement for abutting properties to provide for the future construction of
33 Orchard Place. These conditions and regulations were originally located in the
34 neighborhood plan and were later inserted into the BMC in 2004.

35
36 The City's Public Works Department has identified that the cross street alignment between
37 W. Orchard Drive and Baker Street is not needed for transportation circulation purposes;
38 thus, this street requirement should be removed from the neighborhood plan and BMC.

39 40 **V. COMPREHENSIVE PLAN GOALS AND POLICIES**

41
42 The comprehensive plan identifies the guiding principles and goals for administrative and
43 legislative decisions pertaining to the BMC. The land use section of the comprehensive plan
44 identifies nine guiding principles for code changes. The principles particularly applicable to the
45 proposed amendments are as follows:

- 46 • Ensure that development is consistent with the goals and policies in this plan.
- 47 • Assure fair and predictable results and avoid unnecessary delays.
- 48 • Organize, consolidate and simplify development regulations and permitting procedures.

1 The comprehensive plan also identifies that neighborhood plans should be periodically
2 updated to ensure that they are consistent with and implement the plan. The proposed
3 amendments further the goals of the comprehensive plan by removing outdated information,
4 facilitating economic development, and creating possible job growth opportunities for the
5 community.

6
7 Relevant comprehensive plan goals and policies are listed in **Attachment D**.

8 **VI. ANALYSIS**

9
10 The following criteria listed in BMC 20.20.040 should be considered when reviewing
11 comprehensive plan and neighborhood plan amendment proposals:

12
13 *Petitioners requesting amendments to the comprehensive plan and/or a neighborhood plan*
14 *shall be prepared to offer justification for the request using the following criteria. These*
15 *criteria will be used by the Planning Commission and City Council to evaluate amendment*
16 *requests:*

17
18 **A.** *There exists an error, omission or inconsistency in the pertinent comprehensive plan*
19 *or neighborhood plan provision; OR*

20
21 **B.** *All of the following criteria have been met:*

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

24
25 **2.** *The proposed amendment addresses changing circumstances, changing*
26 *community values, and is consistent with and will help achieve the*
27 *comprehensive plan goals and policies;*

28
29 **3.** *The proposed amendment will result in long-term benefit to the community*
30 *and is in the community's overall best interests;*

31
32 **4.** *The amendment will not adversely affect the public health, safety or general*
33 *welfare; and*

34
35 **5.** *If a concurrent rezone is requested, the proposal must also meet the criteria*
36 *for rezones in BMC 20.19.030.*

37
38 The neighborhood plan has included the requirement for a cross street between Baker
39 Street and West Orchard Drive since its original adoption in 1980. At that time, Area 2
40 included residential zoning and encompassed much of what is now Area 3. Today, Areas 2
41 and 3 are zoned light industrial (with limited uses permitted in Area 3), and include primarily
42 single-family residences and some offices. The extension of Orchard Place through Area 3
43 is no longer appropriate for this area, as the roadway would bisect commonly-owned
44 industrial properties, posing a significant development hurdle for this infill opportunity.
45 Additionally, the Public Works Department has identified that this local access
46 transportation connection is no longer needed for transportation purposes.

47

1 Not only have neighborhood circumstances changed since the neighborhood plan's original
2 adoption over 30 years ago, but the 2006 comprehensive plan and 2013 economic
3 development chapter had not yet been adopted. Comprehensive plan goals and policies
4 support economic development and an up-to-date BMC to promote the efficient use of land.
5

6 Staff finds that the proposed amendments are consistent with the City's comprehensive
7 plan and help achieve the goals and polices listed in **Attachment D**. The proposal does not
8 raise significant planning issues, create neighborhood-wide impacts, or adversely affect the
9 health, safety and general welfare of the community.

10
11 The following analysis specifically addresses consistency of the proposal with decision
12 criteria BMC 20.20.040.B1-5.

13
14 *B.1 The proposed amendment is consistent with the Growth Management Act and other*
15 *applicable laws;*

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

23
24 Staff finds that this criterion has been met.

25
26 *B.2 The proposed amendment addresses changing circumstances, changing community*
27 *values, and is consistent with and will help achieve the comprehensive plan goals and*
28 *policies;*

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

33
34 The proposed amendments also help achieve the goals and policies of the
35 comprehensive plan. Policies ED-26 and ED-27 of the economic development chapter
36 address the need to ensure suitable locations for industrial uses, such as
37 manufacturing and food processing, and to attract new businesses to provide
38 opportunities for skilled employment and living wage jobs. Policy ED-38 states that
39 barriers to development of vacant land should be identified and removed.

40
41 Additionally, the amendments are consistent with the comprehensive plan's economic
42 vitality and employment framework goal and land use chapter. Infill, rather than
43 expanding the footprint of the urban area, is the preferred method to accommodate
44 growth.

45
46 Staff finds that this criterion has been met.

47
48 *B.3 The proposed amendment will result in long-term benefit to the community and is in the*
49 *community's overall best interests;*

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

5
6 Staff finds that this criterion has been met.
7

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

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

15
16 The area is served by utilities, such as sewer and water, and public services such as
17 police, fire, schools, transit and parks. Future development will be required to show
18 that there is capacity in the City's water distribution and sewer and stormwater
19 conveyance and treatment systems to handle the impacts from the proposed
20 development. If facilities are not adequate, development cannot proceed until
21 improvements are made. The same is true for the transportation system – individual
22 development projects must pass the City's concurrency test, or provide any
23 improvements that are required.
24

25 Staff finds that this criterion has been met.
26

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

29 A rezone is not proposed with this amendment.

30 **VII. PUBLIC COMMENT**

31
32 To date, no public comment has been received regarding the proposed text amendments to
33 the neighborhood plan and BMC.
34

35 Notice of the Planning Commission hearing was mailed to neighborhood representatives,
36 neighborhood associations, and other parties with an interest in this topic. The notice was
37 also published in the Bellingham Herald. Notices were issued at least 30 days prior to the
38 hearing date. Staff attended a Cornwall Park Neighborhood Board meeting on September
39 24, 2013. No major objections were noted.
40

41 **VIII. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

42
43 A non-project SEPA Determination of Non-Significance was issued by the City of
44 Bellingham on October 14, 2013.
45

46 **IX. STAFF RECOMMENDATION**

47

1 Staff hereby recommends approval of the proposed text amendments to the CPNP and
2 BMC as shown in **(see Council packet)**.

3

4 **X. LIST OF ATTACHMENTS**

5

6 ~~A. Proposed Cornwall Park Neighborhood Plan Amendments~~ (see Council packet)

7 ~~B. Proposed BMC Amendments~~ (see Council packet)

8 ~~C. Draft Findings of Fact, Conclusions, and Recommendations~~ (see Council Packet)

9 D. Comprehensive Plan Goals and Policies

10 ~~E. Draft Ordinance~~ (see Council Packet)

11 F. Vicinity Map

12 ~~G. Public Comment~~ (none received)

Bellingham Comprehensive Plan

Supporting Goals and Policies

Visions for Bellingham Goal Statements Development Patterns and Community Character

VB 2 Bellingham's way of accommodating growth while retaining a compact form is to emphasize infill. Private and public development decisions continue to reinforce a clear distinction and separation between urban and rural areas. Bellingham retains and strengthens its well-defined compact form and allows sufficient sites to accommodate projected growth, including some growth to the north.

Visions for Bellingham Goal Statements Economic Vitality and Employment

VB 19 Bellingham's employment base combines public and private resources to increase economic diversity emphasizing renewable resources, clean and quiet industry, higher paying family wage jobs, small business, and home-based cottage industries.

Framework Goals 1995 Comprehensive Plan

FPG-1 Industrial and commercial growth providing family-wage jobs occurs in locations where site characteristics are amendable, and where needed services are available or can be feasibly provided by private and/or public means.

FPG-3 Economic vitality is essential in achieving other comprehensive plan goals. Promoting employment diversity and improving wage levels relative to state and national averages are among the highest priority City goals.

Land Use Framework Land Use Policies

FLU-1 It is the City's overall goal to preserve and protect the unique character and qualities of the existing neighborhoods. All policies, proposed development code and zoning changes should be reviewed with this goal in mind.

FLU-9 Successful commercial and industrial areas and a strong and diverse economy should be promoted by encouraging office, retail, high technology, light and heavy industrial uses in appropriate locations. Enough appropriately zoned developable land should be available to accommodate the forecasted 20-year employment growth.

FLU-11 Plan to accommodate a 2022 population of 113,055 people and an employment base that includes 27,000 new jobs.

FLU-14 Establish a collaborative neighborhood planning process that reflects the City's commitment to neighborhood planning. Updating neighborhood plans should be guided by the goals and policies in this plan to ensure that:

- Neighborhood character is maintained as new development occurs;
- Both neighborhood specific and city-wide goals and policies are considered; and
- Representatives of the City and the neighborhoods are working together in partnership.

Infill Strategy 1 Make more efficient use of the remaining City land supply: facilitate development on existing lots of record; develop flexible code provisions that allow a range of housing types; adopt minimum density requirements; other steps necessary to make better use of the remaining land supply.

Land Use

Industrial/Manufacturing Policies

LU-58 Areas suitable for manufacturing and light industrial development should be reserved for those uses.

Transportation

General Transportation Goals

TG-9 Ensure a regional system of state highways and local arterial streets that is functional, well maintained and meets the demands of the future without unnecessarily disrupting individual neighborhoods.

TG-13 Provide truck access to industrial and commercial areas while minimizing the negative impacts associated with truck routes through design standards and location.

TG-14 Segregate residential and heavy industrial traffic to the greatest extent possible.

Economic Development

Land and Infrastructure Policies

ED-24 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.

ED-25 Evaluate rezone proposals and changes to development regulations for potential impacts on the supply of land zoned for employment activities.

The City's 2009 Employment Lands Study, Phase II, includes a target industry evaluation that identifies desirable, mutually supportive employment sectors for Bellingham. These sectors were identified based on their potential for growth, wage and salary rates, and presence or concentration in the city and region. Based on this analysis, a number of employment sectors were identified as desirable for Bellingham. Examples include, but are

not limited to the following. Further analysis and refinement of these sectors may be considered in the Strategic Action Plan.

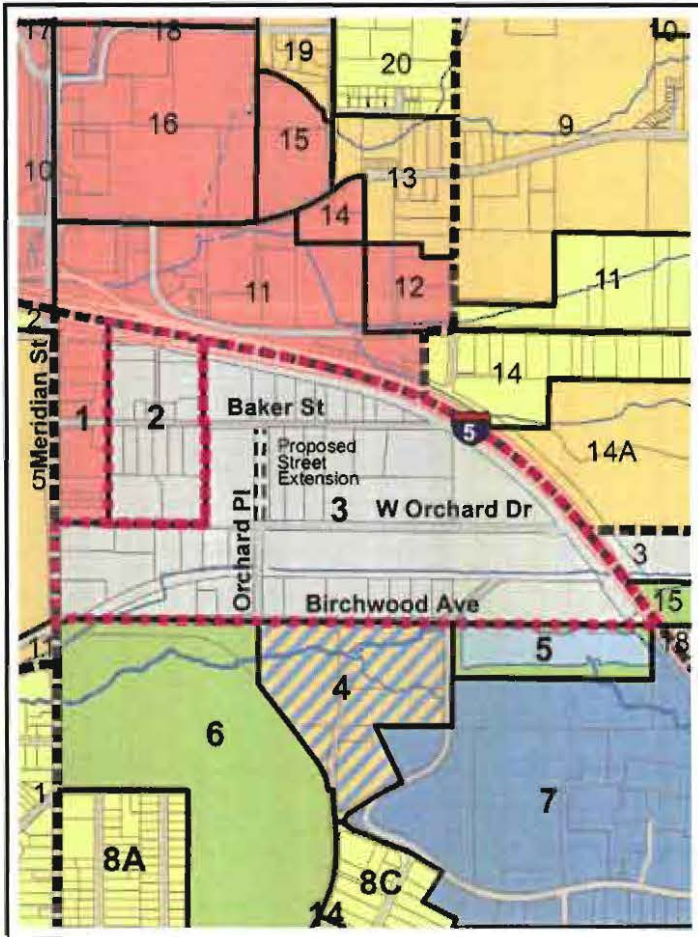
- Marine trades
- Professional, scientific and technical services
- Computers, internet and telecommunications
- Equipment and instrumentation manufacturing
- Adventure-related recreation
- Food processing
- Health care
- Education, including workforce training
- Advanced manufacturing

ED-26 Ensure that there are suitable locations for these targeted employment sectors.

ED-27 Support the retention and growth of the industrial/manufacturing sectors and seek to attract new businesses to provide opportunities for skilled employment and living wage jobs.

ED-38 Identify and remove barriers to redeveloping underutilized and/or vacant land and buildings.

Attachment F
Vicinity Map



	Subject Area		Industrial
	Residential Single		Indust./Res. Multi
	Residential Multi		Indust./Waterfront Mixed-Use
	Res. Single/Res. Multi		Institutional
	Commercial		Institutional/Res. Multi
	Commercial/Industrial		Public
	Comm./Indust./Res Multi		Public/Institutional
			Public/Waterfront Mixed-Use

Cornwall Park Neighborhood, Areas 2 & 3

Text amendment repealing language regarding extension of Orchard Place to Baker St



City of Bellingham
 Planning & Community Development
 2013

1 RECORD OF PROCEEDINGS OF THE PLANNING COMMISSION
2 CITY OF BELLINGHAM, WASHINGTON
3 PUBLIC HEARING

4 THURSDAY
5 November 21, 2013
6 Video-taped & Audio-recorded

7:00 P.M.
CITY COUNCIL CHAMBERS
www.cob.org

7 **CALL TO ORDER:**

8 The meeting was called to order by Tom Grinstad, Chairman of the Planning Commission.

10 **ROLL CALL:**

11 Tom Grinstad, Jeff Brown, Danne Neill, Garrett O'Brien, Ali Taysi, Phyllis McKee and Steve Crooks

13 *Present:* Tom Grinstad, Jeff Brown, Danne Neill, Garrett O'Brien, Ali Taysi, Phyllis McKee
14 and Steve Crooks

16 *Absent:*

18 *Staff Present:* Jeff Thomas, PCDD Director; Lisa Pool, Senior Planner; Katie Franks, Community
19 Development Specialist; Chris Comeau, Transportation Planner; and Heather
20 Aven, Recording Secretary.

22 *Applicants:*

24 **APPROVAL OF MINUTES:**

25 No minutes were submitted to the Commission for approval.

27 **15 MINUTE PUBLIC COMMENT PERIOD:**

28 No testimony given.

30 **PUBLIC HEARING:**

31 To consider proposed text amendments to the Cornwall Park Neighborhood Plan and Section 20.00.050
32 of the Bellingham Municipal Code, the Cornwall Park Neighborhood Table of Zoning Regulations, to
33 remove the requirement to extend Orchard Place between West Orchard Drive and Baker Street.

34 Ali Taysi recused himself due to professional interest in the agenda item.

36 **STAFF PRESENTATION**

37 Lisa Pool presented a PowerPoint and explained that the proposed amendments would remove the
38 requirement to extend Orchard Place between W Orchard Drive and Baker Street from both the
39 Cornwall Park Neighborhood Plan and section 20.00.050 of the Bellingham Municipal Code. She stated
40 that staff attended a neighborhood board meeting in September, 2013 and received no major objections.
41 She noted that several inquiries regarding commonly-owned industrial property in Areas 2 & 3 of the
42 Cornwall Park Neighborhood have been brought forward recently. She pointed out that after researching
43 the inquiries, staff discovered that conditions have changed, the zoning designations have changed, and
44 the neighborhood boundaries have changed as well; therefore, staff determined that removing the
45 requirement to extend Orchard Place was no longer valid and recommends approval of the
46 amendments.

48 **PUBLIC HEARING OPENED**

49 No one in attendance.

50 **PUBLIC HEARING CLOSED**

1 **COMMISSION QUESTIONS / DISCUSSION:**

2 Garrett O'Brien wanted to know if a street light would be required at the Baker / Meridian intersection.

3
4 Chris Comeau stated that given there is a light at Birchwood / Meridian, there is currently no plan to
5 require a street light.


6
7 There was some discussion about the neighborhood plan emphasizing the importance of protecting
8 residential character, while also requiring the road connection which would be used primarily by
9 industrial users (trucks).

10
11 Chris Comeau pointed out that developers could still extend Orchard Place if they chose to, it just would
12 not be a requirement - that in many cases would kill a project given what it would take to make the
13 extension a reality.

14
15 **MOTION: Garrett O'Brien moved to adopt the November 21, 2013 Findings of Fact, Conclusions**
16 **and Recommendations that amend the Cornwall Park Neighborhood Plan and section 20.00.050**
17 **of the Bellingham Municipal Code to remove the requirement to extend Orchard Place between**
18 **Orchard Drive and Baker Streets. SECONDED.**

19
20 **VOTE: ALL AYES** (*Motion Passes 6-0*).

21
22
23
24
25 Minutes prepared by:

26 
27 _____
28 Heather Aven, Recording Secretary

29
30 Minutes edited by Planning Commission members and various Planning Staff.



BELLINGHAM CITY COUNCIL

210 Lottie Street, Bellingham, Washington 98225
Telephone (360) 778-8200 Fax (360)778-8101
Email: ccmail@cob.org Website: www.cob.org

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Bellingham City Council will hold a public hearing on **January 13, 2014 @ 7:00 PM**, or as soon thereafter as possible, in the **City Council Chambers, City Hall, 210 Lottie Street, Bellingham, Washington**, to take public comment on the following:

A PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO THE CORNWALL PARK NEIGHBORHOOD PLAN AND SECTION 20.00.050 OF THE BELLINGHAM MUNICIPAL CODE, THE CORNWALL PARK NEIGHBORHOOD TABLE OF ZONING REGULATIONS, TO REMOVE THE REQUIREMENT TO EXTEND ORCHARD PLACE BETWEEN WEST ORCHARD DRIVE AND BAKER STREET.

Detailed information can be found at: <http://www.cob.org/government/public/boards-commissions/planning-materials.aspx>

Staff Contact: Lisa Pool, Planning and Community Development Department, (360) 778-8390 or lapool@cob.org.

Anyone wishing to comment on this topic is invited to attend; or if unable to attend, to send your comments, in writing to the Council Office, 210 Lottie Street, or email to ccmail@cob.org, or fax to 778-8101, to be received prior to 10:00 a.m., Wednesday, January 8, 2014, to be included in the agenda packet. Comment received after that time will be distributed to Council but not included in the published meeting materials.

FOR OUR CITIZENS WITH SPECIAL NEEDS, the Council Chambers is fully accessible. Elevator access to the second floor is available at City Hall's west entrance. Hearing assistance is available and a receiver may be checked out through the clerk prior to the evening session. For additional accommodations, persons are asked to contact the Legislative Assistant at 778-8200 in advance of the meeting. Thank you.

Publication date: December 13, 2013