

APPLICATION FOR REZONE

(PLEASE PRINT CLEARLY OR TYPE IN BLUE OR BLACK INK)

Project Data:

1. Legal Description of subject property: **Lengthy, see attached Exhibit A.**
2. Full legal description of all property represented in the application (attach if necessary)
Lengthy, see attached Exhibit A.
3. Size of total land area represented in the application: **113 acres**

LAND USE CLASSIFICATION:

4. Neighborhood Plan Name: **Samish**
5. Zoning Area Number **Area 6**
6. Existing Zoning:

General Use Type	<u>Residential Single</u>
Use Qualifier	<u>Cluster</u>
Density	<u>20,000 sq ft minimum detached lot size.</u> <u>1 lot/20,000 sq ft overall cluster density.</u>
7. Requested Zoning:

General Use Type	<u>Multifamily Residential</u>
Use Qualifier	<u>Planned</u>
Density	<u>8,000 square feet per unit</u>
8. Attach an explanation of how the proposed zoning change meets each of the criteria listed in the attached Bellingham Municipal Code 20.19.030 A.(1-6) and at least one of the criteria in 7 (a–c).

Please see attached statement on next page.

9. Is the rezone request related to a development proposal for the property?
No, this a non-project action.

If so, please provide available plans and information about the project. N/A

Applicant's Statement

The Padden Trails rezone proposal meets the criteria of BMC 20.19.030.A, subsection:

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

Applicant Response:

The existing Residential Single zoning does not provide the flexibility for developing the site as an urban infill location. The prior Padden Trails single family preliminary plat included infrastructure requirements that made the plat unfeasible and it was not built. The current zoning does not work and a change to flexible criteria is needed so the site can help Bellingham meet its Comprehensive Plan mandate for residential infill development.

The proposed rezone to Multifamily Residential Planned provides a regulatory regime to master plan the site and utilize urban infill housing forms specified in BMC 20.28. These tools enable an efficient use of land, less pressure for sprawl, encourages alternative transportation, safeguards the environment, promotes healthy neighborhoods and protects neighborhood character, all elements of the 2006 Comprehensive Plan Policy FLU-2. The proposed zoning also encourages a diverse residential neighborhood with a variety of housing opportunities as stated in Policy FLU-4.

The proposed zoning is also consistent with Infill Strategy 4 in the Comprehensive Plan: “.some Bellingham neighborhoods (Samish, South and Whatcom Falls for example) contain significant blocks of undeveloped land currently zoned for relatively low density development. These and other areas could be evaluated to determine if higher densities might be appropriate. Factors that could limit development potential such as environmental constraints (wetlands, steep slopes) and infrastructure capacity (water, sewer, roads, parks, schools) would need to be considered in the process.” (Page LU-30).

The citywide policy for encouraging infill was repeated in subsequent neighborhood revisions. In the 2007 Samish Neighborhood Plan, policies were adopted that support consideration of rezoning the Padden Trails and other undeveloped sites:

“Opportunity should be provided for increased densities and mixed use development in appropriate locations within the neighborhood. Property owners desiring a change in land use classification, rezone or a development should work with the neighborhood to ensure the proposal meets the neighborhood plan priorities, goals and policies and development guidelines. Whenever increased residential densities and mixed use development are proposed, the approval should be contingent on projects that are done in areas which minimize impact on current single family development. The Samish Neighborhood should be involved in the decision on the appropriateness.”
(2007 Samish Neighborhood Plan, page 1)

“Urban villages, cluster developments, and higher intensity land uses

may be considered when transportation infrastructure is in place or is concurrent with development and located in appropriate areas of the neighborhood consistent with current zoning, such as along San Juan Boulevard and Governor Road. In judging appropriateness, the distinguishing characteristics of the neighborhood, e.g. drainage, circulation, single family areas, should be considered.”
(Ibid., page 3)

In addition to being consistent with the Comprehensive Plan, the proposal is also corresponds to a concurrent comprehensive plan amendment application. The application meets the criteria of BMC 20.19.030.A.1.

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

Applicant Response:

The proposed rezone provides for a better development regime to manage the site. Provisions within the code provide for best management practices to establish water, sewer, storm drainage and roads to the site upon development. The resulting residential uses are compatible with existing residential areas in the Samish Neighborhood and do not create any undue nuisances, and would be similar to other Bellingham residential neighborhoods. The application meets the criteria of BMC 20.19.030.A.2.

3. It is in the best interests of the residents of Bellingham;

Applicant Response:

The Bellingham Comprehensive Plan guides the overall development for the benefit of all residents. A key component of the Plan is to channel residential development into the City limits to provide diverse housing opportunities while protecting environmental resources. The purpose is to reduce development pressure into the surrounding rural, agricultural and forestry areas. As explained above, the Plan specifies an infill strategy to consider undeveloped property in the Samish Neighborhood for higher densities. This would fulfill Comprehensive Plan goals and thereby benefit the best interests of Bellingham residents. The application meets the criteria of BMC 20.19.030.A.3.

4. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning district;

Applicant Response:

The prior approved Padden Trails preliminary plat identified developable areas and environmental resources. The proposed zoning will establish a better system for flexible design within the developable lands and better management of the environmental resources. The flexibility of the proposed zone will permit diversity of housing forms that

cannot presently be built in under the current zoning. The resulting product will more accessible to a broader market of housing needs. A large tract of undeveloped land under a single ownership is the exact profile for land to be placed within the proposed zoning classification. The application meets the criteria of BMC 20.19.030.A.4.

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

Applicant Response:

All public utilities and the City road system are presently located at the site perimeter. The City has capacity for the proposed density in its water, sewer and storm water system. Development of the site will require utility extensions and system upgrades to meet City development standards. Roads can be upgraded to handle the projected traffic demand. Parks and trails systems would be improved with a development application. The proposed zoning classification provides the best mechanism to manage these future decisions. The application meets the criteria of BMC 20.19.030.A.5.

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

Applicant Response

The proposed rezone will allow a diversity of housing forms in a planned residential neighborhood that is somewhat remote from the existing Samish neighborhood area. A significant amount of open space corridors were previously dedicated from this site, and more are planned during the site development. The protection of the stream corridors, wetlands and some steep slope areas provides a natural blending of the site into the Samish neighborhood while adding important trail links into the City trail system. The resulting housing could range from single family houses to townhouses to carriage houses and other forms allowed in BMC 20.28. The protection of the natural resources while providing a variety of housing opportunities is a benefit to the immediate vicinity and all City residents. The application meets the criteria of BMC 20.19.030.A.6.

7. It is appropriate because either:

- a.** 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
- b.** The rezone will correct a zone classification or zone boundary that was inappropriate when established; or
- c.** The rezone will implement the policies of the comprehensive plan.

Applicant Response:

Conditions in the area have changed since the property was zoned Single Family Residential, 20,000 sq ft per lot. The current zoning carried over from the 1980 Bellingham Comprehensive Plan and its corresponding Samish Neighborhood Plan. Beginning in 2001, the City embarked on a Visioning Process to redirect urban development into the City limits. This led to the 2004 FEIS which identifies infill development strategies that ultimately were adopted as policy in the 2006 City Comprehensive Plan. During 2007, the Samish neighborhood revised its plan which was adopted by the City effective January 2008.

The Comprehensive Plan, as cited many times above, has specific language to consider increasing the density of undeveloped property on Samish Hill. The neighborhood reinforced this policy. In addition, the City adopted infill housing regulations that provide better tools for sites like Padden Trails. The change of conditions has occurred primarily due to the leadership of the City in adopting more flexible regulations to focus residential development within the City limits. Similar regulatory changes have occurred across the State, and it is generally recognized that large residential lots of 20,000 sq ft or more are not urban. Therefore, it is in the public interest to approve the proposed rezone so that the site can help Bellingham meet its infill goals in compliance with the State Growth Management Act.

Therefore, the application meets the criteria of BMC 20.19.030.A.7. a. and c.