

PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date		Staff Contact	
October 8, 2009		Kathy Bell, Planner II	
Subject:			
<p>ZON2009-00004: To consider a Comprehensive Plan Amendment and Rezone of approximately 35 acres in Area 17D, Guide Meridian/Cordata Neighborhood from Planned-Industrial to Planned-Residential, Commercial, and Industrial (live/work). The proposal is located within the Cordata Business Park Planned Unit Development (PUD), located east of Cordata parkway between Horton and Stuart Roads. Amendments to the PUD will be necessary to allow the requested land uses and incorporated design standards for residential and mixed use development. The proposal consists of a mix of residential housing forms, mixed-uses, and public spaces and trails. Impact to some of the on-site wetlands is proposed. Applicant: Blair Murray, Tin Rock Development. Owner: Cordata Investments, LLC.</p>			
Attachments:			
<ol style="list-style-type: none"> 1. Submittal from Applicant 2. Guide Meridian/Cordata Map – Proposed Zoning 3. Cordata PUD Boundaries/Subject Site Inset 4. August 17, 2009 Letter to Blair Murray – Process Outline 5. Draft Findings of Fact, Conclusions and Recommendations 6. Determination of Nonsignificance – dated September 21, 2009 7. Critical Areas Map 8. Proposed Amendments to the Cordata Business Park Master Plan and Development and Design Guidelines 9. Draft Development Agreement 10. Applicable Comprehensive Plan Goals and Policies 			
Meeting Type		Category	
<input checked="" type="checkbox"/> Public Hearing		<input checked="" type="checkbox"/> Legislative	
<input type="checkbox"/> Public Meeting		<input type="checkbox"/> Quasi-judicial	
<input type="checkbox"/> Work Session		<input type="checkbox"/> Information Only	
<input type="checkbox"/> Briefing			
Clearances		Initials	Date
Tim Stewart, Director		TS	9-25-09
Marilyn Vogel, Sr. Planner		MV	9-25-09
Kathy Bell, Planner II		KB	9-25-09
Previous Commission Meeting or Action:			
Recommended Action:			
Approval with conditions.			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49

CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	<i>Guide Meridian/Cordata Neighborhood Plan Amendment, Area 17D and Cordata Business Park PUD amendment</i>
For:	<i>October 8, 2009</i>
Staff Contact:	<i>Kathy Bell, Planner II</i>

I. SUMMARY OF PROPOSAL

The applicant has proposed a change of the Neighborhood Plan land use designation and zoning for a portion of Area 17D of the Guide Meridian/Cordata Neighborhood. The proposal would change the land use designation from Industrial to Residential/Commercial/Industrial and rezone approximately 35 acres of property within Area 17D from Industrial, Planned to Residential/Commercial/Industrial, Planned. **See Attachment A.** The site is located within the Cordata Business Park, generally west of Cordata Parkway, between Stuart and Horton Roads. **See Attachment B.**

The proposal would create a new subarea, in the neighborhood plan, Area 17F that includes:

- A. An addendum to the Cordata Business Park Planned Unit Development that establishes:
 - a. Allowed uses.
 - b. Design standards for mixed-use and residential development.
 - c. Densities for residential development.
 - d. General locations of transportation corridors, open space corridors and community plazas.
- B. A development agreement that establishes vested status for stormwater, critical areas, transportation, employment lands, and a phasing plan for the mixed use component of the proposal.
- C. A site plan approval process.

Existing Neighborhood Plan Land Use Designation

AREA 17D LAND USE DESIGNATION: INDUSTRIAL*

Proposed Neighborhood Plan Land Use Designation

AREA 17F LAND USE DESIGNATION: RESIDENTIAL/COMMERCIAL/INDUSTRIAL

1
2
3 **Proposed Neighborhood Plan Narrative**
4

5 This area is approximately 35 acres in size and located east of Cordata Parkway, lying
6 north and south of Stuart Road. There are approximately 30 acres lying north and 5 acres
7 lying south of Stuart Road.
8

9 The site is predominately pasture and contains approximately 9 acres of wetlands. The
10 tributary to Baker Creek in the northern portion of this area should be protected. Any
11 proposed impact to an on-site critical area should ensure that downstream impacts are
12 minimized.
13

14 Cordata Parkway and Stuart Road provide the primary access to the site. Cordata Parkway
15 is the spine road within the Cordata Business Park that provides efficient access to the site
16 for both vehicle and pedestrians. Stuart Road abutting this subarea will require
17 improvements to provide both pedestrian and vehicular circulation into Area 17F. This road
18 section should be improved to a standard to accommodate the anticipated level of
19 development in this subarea. Development within this area may necessitate the upgrade of
20 the Horton Road sewer pump station.
21

22 Because of its central location within the Cordata Business Park, Area 17F is appropriate
23 for high density residential and mixed use development. Live/work and work/live units would
24 complement the site as a transition between the established adjacent uses and residential
25 areas. Neighborhood commercial centers can provide convenience shopping opportunities
26 within easy walking, biking, or transit distance of surrounding residential populations and
27 may reduce the number of vehicle trips generated. These centers should have a variety of
28 development features such as ground floor office/retail, upper floor residential at densities
29 that support transit, increased building height limits to create a neighborhood focal point,
30 underground parking where feasible, pedestrian plazas and other gathering places,
31 including regional pedestrian connections.
32

Existing Zoning: Guide Meridian/Cordata Neighborhood

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
17D	Industrial	Planned, light Whatcom County PUD Ord. Chapter 20.85 Whatcom County Subdivision Ord. Chapter 21.30	Density as specified in the Cordata Master Plan for light Impact Industrial zoning design and development guidelines and Protective Covenants.	All development shall comply with the Cordata Master Plan Conditions, Protective Covenants, and all design and development guidelines; the Cordata Design Review Committee shall review all proposals and give final approval prior to issuance of a building permit.	All stage 1 conditions of the Cordata Master Plan shall be met as required in the phasing schedule.	None

Proposed Zoning: Guide Meridian/Cordata Neighborhood

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Considerations	Special Regulations
17F	Residential Commercial Industrial	Planned, mixed Cordata Business Park PUD (See Exhibit B)	Density as specified in the Cordata Development and Design Guidelines and the PUD conditions in Exhibit B.	None.	None	Cordata PUD, including the Master Plan, PUD conditions and the Development and Design Guidelines, all as amended by Exhibit B. The binding site plan process (BMC 18.24) may be used for division of residential condominium projects consistent with state law. All development shall comply with the Development Agreement approved by Ordinance No. _____.

II. PLANNING COMMISSION ROLE

The proposal before the Commission is a legislative neighborhood plan amendment and rezone requiring a Type VI process established under BMC 21.10.150. Unique to the Cordata Business Park, the zoning for the business park is the Planned Unit Development (PUD). As recommended by staff, the proposed rezone would effectively amend the existing PUD by imposing revisions to the governing documents that make up the PUD's authority. This process was outlined in an August 17, 2009 letter to Tin Rock Development's Blair Murray. **See Attachment C.**

1 The Planning Commission must hold a public hearing and issue findings of fact and
2 conclusions along with a recommendation to the City Council. The Council will also hold a
3 public hearing later this year to consider the proposed amendments. Comprehensive plan
4 amendments can only be approved once a year. At the end of the year, the Council will
5 adopt a package of plan amendments that have been reviewed throughout the year.
6

7 Draft findings and conclusions are included in the staff report. **See Attachment D.** The
8 Commission should adopt or modify these draft findings as needed to support their final
9 recommendations.
10

11 III. BACKGROUND

12 Cordata Business Park

13
14 Trillium Corporation received approval of the Cordata Business Park Planned Unit
15 Development (PUD) from Whatcom County in 1986. The PUD is comprised of three
16 documents; a Master Plan, Development and Design Guidelines, and Protective Covenants.
17
18

19 The Master Plan provides a flexible framework for guiding development in the PUD. The
20 Design and Development Guidelines and Protective covenants were established as
21 mechanisms for maintaining development standards and character over time to ensure that
22 development was consistent with the overall development concepts of the Master Plan.
23

24 Since 1986, the PUD was amended by Whatcom County two separate times. Once to
25 include the Costco shopping center and the other to amend the northern portion of the PUD
26 from primarily industrial uses to a mix of residential, commercial, and industrial uses.
27

28 The City entered into an agreement with Trillium Corporation to annex the PUD in two
29 stages. Stage 1, consisted of that portion of the PUD generally south of Horton Road, in
30 1992 and the remaining portion of the PUD, Stage 2, was annexed in 1998.
31

32 The annexation agreement included a provision for the City to adopt the PUD in the original
33 format as approved in the County. Since annexation, the City has regulated development
34 under the rules and regulations of the PUD rather than through city zoning or development
35 procedures.
36

37 2002 Comprehensive Plan/Rezone Requests

38 In 2002, 50 acres of land designated as Industrial in the Comprehensive Plan was rezoned
39 to Institutional for the expansion of Whatcom Community College under the PUD.
40

41 Trillium Corporation also requested a rezone of 35 acres of Area 17D, which is generally the
42 same property that is the subject of this request, in 2002. The request was to change the
43 land use from Industrial to Residential. This request was denied based on the loss of
44 industrial land supply, the presence of the Foreign Trade Zone designation, and inadequate
45 evidence that circumstance had changed to warrant development consisting solely of single
46 family development at a density of 6 units/acre.
47
48

1 Urban Village/Center

2 The City's comprehensive plan was adopted in 2006. It contains goals and polices related
3 to accommodating a portion of future growth in a number of "urban villages". (Note: the
4 terms "urban center" and "urban village" are used interchangeably throughout the plan.)
5

6 Since 2006, the City has been working to implement the urban village goals and policies. A
7 master plan has been adopted for the "Old Town" Village and staff is working on plans for
8 the Samish Way and Fountain District villages. Planning Commission approved the Samish
9 Way Urban Village on Aug 6, 2009.

10
11 Open Space Plan

12 The City Council approved a comprehensive plan amendment in December 2008 to
13 incorporate the new Parks, Recreation and Open Space (Open Space) chapter. The Open
14 Space plan recommends amenities, such as parks, open space corridors, and trails in the
15 general vicinity of this rezone request.
16

17 Since the adoption of the Open Space Plan, the City has purchased the following two park
18 sites consistent with the 2008 Open Space plan:

- 19 • Riley Parcel (75 acres): Generally located south east of the Slater Road/Northwest
20 Road intersection; purchased in September 2009 as a Community Park.
- 21 • Horton Parcel (20 acres): Generally located northeast of the Horton Road/Aldrich
22 Road intersection; purchased in November 2007. This parcel was annexed in August
23 2009.
24

25 SEPA

26 A determination of Nonsignificance was issued on September 21, 2009. **See Attachment E.**
27

28 2009 Comprehensive Plan Amendment Docket

29 The Planning Director initiated this Comprehensive Plan Amendment/Rezone and the City
30 Council included this proposal on the 2009 docket.
31

32 Neighborhood Meeting

33 A neighborhood meeting was held at Birchwood Presbyterian Church on June 16, 2009.
34
35

36 **IV. ISSUES**

37
38 Conceptual Site Plan

39 The conceptual site plan is based on a preliminary estimate of wetland impact. Actual
40 requirements for wetland buffers and mitigation will not be established until the Army Corps
41 of Engineers, Department of Ecology, and the City issue permits. These permits will
42 ultimately define how much of the subject site is usable for development purposes.
43

44 The rezone should provide a mechanism that allows modifications of the site plan
45 necessary to comply with these environmental permits. An administrative site plan approval
46 process is proposed to ensure the components of this rezone request and the conditions
47 established in the development agreement are carried out.
48

1 Commercial and Industrial Land Supply

2 The proposal must be consistent with the land supply goals and policies for infill strategies
3 identified in the Comprehensive Plan and should provide sufficient land available to achieve
4 the estimated employment lands as identified in the City of Bellingham Employment Lands
5 Report (2008).
6

7 Critical Areas

8 The rezone area contains 23 wetland units, totaling approximately 9 acres. **See**
9 **Attachment F.** These wetlands are regulated by the Critical Areas Ordinance, BMC 16.55.
10 The location, quantity, and size of the wetlands create significant challenges and will affect
11 the property's developable area, under both the existing and proposed zoning.
12

13 The total land available for development under the proposed zoning is not known. Agencies
14 with jurisdiction over the critical areas will not accept applications for impact associated with
15 the Conceptual Site Plan without zoning authorizing the intended land use. Under existing
16 zoning, residential uses are not permitted. This means that the property owner cannot go
17 through the required permitting process until a decision on the rezone is made.
18

19 Transportation

20 Traffic impacts from this proposal will be determined based on the amount of land that can
21 be developed. This cannot be determined until the amount of area affected by critical area
22 regulations is known.
23

24 The level of traffic mitigation will be based on future environmental and transportation
25 concurrency reviews for the development.
26

27 The Cordata PUD established threshold performance standards related to transportation.
28 All but one condition applicable to this subject site has been fulfilled. The condition requires
29 a transportation study to evaluate impacts the PUD has imposed on two off-site roads,
30 Aldrich and Kline Roads. Fulfillment of this requirement is currently the responsibility of the
31 Trillium Corporation, as the developer of the PUD. As adopted by reference as the zoning
32 for the property, this condition runs with the land. It is staff's opinion that a future developer
33 should have the responsibility to fulfill this obligation should Trillium not perform its
34 obligations.
35

36 Given the uncertainty of the total developable area of the proposal, a traffic study for this
37 development's impacts should be presented and considered upon approval of a rezone.
38 The traffic mitigation required for this proposal should be implemented through a
39 development agreement to ensure that adequate mitigation can be provided concurrently or
40 prior to impact.
41

42 Open Space/Trail Corridors

43 The mixed-use area should include open space that offers casual recreation opportunity
44 within an urban setting. The open space along Cordata Parkway proposed in the
45 Conceptual Site plan does not achieve this intent.
46
47

1 The Conceptual Site Plan includes a pedestrian network that consists of both public and
2 private facilities. The public trail section in the northern portion of the site, connecting
3 Cordata Parkway to Thomas Road, is consistent with the Open Space plan. Staff has
4 identified that a less circuitous route is preferred.

5
6 Development Regulations in the Cordata PUD

7 Development regulations for properties within the PUD are different than those for other
8 areas of the City. Zoning regulations for property within the PUD are found in the Cordata
9 Business Park Master Plan (MP) and Development and Design Guidelines (DDG), not the
10 Bellingham Municipal Code. The regulations are administered by both the City and the
11 Cordata Design Review Committee (DRC).

12
13 As identified in previous rezone requests in the PUD, the City does not have PUD
14 regulations in code that specify a process to amend the Master Plan and Design Guidelines.
15 The City must use the comprehensive plan and rezone process to carry out amendments.
16 Amendments to the MP and DDG that affect density and permitted uses require approval by
17 the City Council and the DRC.

18
19 The PUD does not have design guidelines for either residential or mixed use development.
20 An amendment to the Development and Design Guidelines is necessary, to establish
21 appropriate regulations for the property. **See Attachment G.**

22
23 Development Agreement

24 The rezone is accompanied by a draft development agreement that includes performance
25 measures for the overall project and would vest development rights for a period of time. The
26 content and effect of the development agreement is regulated by state law (RCW
27 36.70B.170-210). **See Attachment H.**

28 This development agreement is provided for informational purposes. The final agreement as
29 approved by the City Council may be different than presented in Attachment H.

30
31 **V. COMPREHENSIVE PLAN GOALS AND POLICIES**

32
33 *(See Attachment I for a full list of relevant goals and policies)*

34
35
36 **VI. ANALYSIS**

37
38 **NEIGHBORHOOD PLAN AMENDMENT CRITERIA**

39 **BMC 20.20.060 C**

40 According to Bellingham Municipal Code 20.20.060, the following factors should be
41 considered when reviewing comprehensive plan and neighborhood plan amendment
42 proposals:

- 43
44 **1. Is the proposed amendment to the plan supported by or consistent with the**
45 **existing goals and policies of the comprehensive plan and the State Growth**
46 **Management Act?**
47
48

1-7

1 **Applicant's response:** There are a number of goals and policies in the
2 Comprehensive Plan (CP) that support the proposed amendment. The Land Use
3 chapter and the Housing chapter cross reference on issues relating to Infill
4 Strategies, Potential Rezoning of Underutilized Land and Urban Center
5 development. The Land Use chapter supports the development of urban centers as
6 a "critical component in the City's infill strategy". Further in its discussion, this
7 section identifies Cordata as the location for Tier III District Urban Center that could
8 service the needs of the community and support the development of between 250
9 and 800 residential units on a 10-25 acre site. The CP, however, laments the lack of
10 control the City has on the development and timing of the implementation of its
11 Urban Center infill strategy. The Tin Rock amendment request represents a unique
12 infill opportunity among identified urban center sites in Bellingham; the property is
13 under single ownership and the owner intends to enter into a Development
14 Agreement that will outline the project's mix, phasing and timing.

15
16 Land Use Policy Section B, Framework Infill Strategies, of the City's Comprehensive
17 Plan describes how the City is going to accommodate the majority of forecasted
18 population growth primarily through infill. Specific goals and policies in the Land Use
19 chapter that support the proposed amendment include the following:

- 20 • Infill Strategy 1 suggests "making more efficient use of the remaining city land
21 supply."
- 22 • Infill Strategy 4 encourages the city to examine commercial and industrial zoned
23 areas for potential rezone to residential to increase the amount of land available
24 for housing. The plan suggests that existing zoning should be evaluated in
25 designated urban development centers to support the policy of greater residential
26 density in these centers.
27 In its Housing chapter:
 - 28 • The CP encourages "infill housing development on land, which remains vacant or
29 underutilized in otherwise built-up areas." (HP-20).
 - 30 • The CP promotes new high density residential development within or near Urban
31 Villages. (HP-23).

32
33 The proposal supports one of the principal foundations of the goals and policies of
34 the plan; that land in the City is a finite resource that needs to be used efficiently and
35 in a manner that protects the environment and community values. The efficient use
36 of land means using land for the type of use for which it is best suited at a density
37 that can be supported without significant adverse impact to the neighborhood,
38 surrounding uses and the environment. With regard to this proposal, it is clear that
39 even with the potential for filling some lower value wetlands, the remaining upland
40 areas available for development are of a size and shape that makes them unsuitable
41 for industrial uses. The most efficient use for this property is a mixed use
42 development that has the design flexibility to take advantage of irregularly shaped
43 development sites.

44
45 Based on historic evidence, only four buildings have been built in the former Foreign
46 Trade Zone lands since 1986. The existing zoning will never produce the jobs that
47 were anticipated in the original master plan and are unlikely to provide a significant
48 source of employment under any industrial scenario. The GVAKM report (see

1 **Attachment A)** indicates that 239 jobs would be created within six years under the
2 conceptual site plan scenario.
3

4 **Staff's Response:** Staff concurs that the proposed amendment is generally
5 consistent with the comprehensive plan goals and policies. The proposal provides
6 the opportunity for employment lands and increases the City's residential land
7 supply.
8

9 The Comprehensive Plan identifies land supply needs for residential, commercial,
10 and industrial zoned property. The city further refined these estimates in the
11 Employment Lands Report by dividing the city into employment land areas. The
12 employment capacity estimates the actual number of jobs that could be
13 accommodated within the allowable floor area ratio (FAR).
14

15 The City's estimated employment opportunity for this rezone request is between 200
16 and 300 jobs. The GVA Kidder Mathews analysis provided in the applicant's
17 submittals states the rezone area in addition to the portion of Area 17D north of the
18 rezone area, has the potential to create 239 jobs. This project's FAR is almost
19 double the existing ratio presently found in Cordata. This increased FAR provides
20 the opportunity to accommodate the employment opportunities on less land, leaving
21 the remaining site available for residential development.
22

- 23 **2. Have circumstances changed sufficiently since the adoption of the**
24 **comprehensive plan and/or neighborhood plan to justify the proposed**
25 **change? If so, the circumstances that have changed should be described in**
26 **sufficient detail so that a finding of changed circumstances can be made and a**
27 **decision as to appropriateness of the proposed neighborhood plan**
28 **amendment can be reached based on information in the record.**
29

30 **Applicant's Response:** Yes. On August 10th 2009, the Foreign-Trade Zone Board
31 of the US Department of Commerce modified its boundary of FTZ 129 (60 acres in
32 Cordata) at the request of the Port's Interim Executive Director, Mr. Fred Seeger,
33 allowing the removal of "a site that is no longer being used for FTZ activity." This
34 recognition by the Port of Bellingham and the Federal Government - that the Cordata
35 FTZ site is no longer appropriate for the PUD's originally intended uses - indicates
36 how dramatically circumstances have changed in the Cordata neighborhood over 25
37 years.
38

39 The original Master Plan for Cordata was adopted by Whatcom County in 1984. At
40 the time, Cordata was planned as a mixed use development with a substantial
41 amount of land available for vertically integrated industrial and manufacturing
42 facilities. The demand for industrial/manufacturing facilities, especially high-tech
43 facilities, did not materialize. The lack of demand was, in part, due to additional
44 costs associated with developing within a mixed use planned community with tight
45 architectural and site design guidelines. Industrial and manufacturing development
46 went instead to locations with fewer development restraints and lower development
47 costs, such as Bakerview, Iowa Street and Grandview Industrial Park.
48

1 The industrial viability of the subject property was additionally burdened by the
2 misbelief in the early 1980's that that there would be a demand for industrial land
3 with foreign trade zone status to allow overseas companies to establish
4 manufacturing facilities in the U.S. With the exception of the Caitac USA's clothing
5 manufacturing facility, which has long since ceased operation, that demand did not
6 materialize and the site has remained underdeveloped.
7

8 At the time the Master Plan was approved, there were no specific federal, state or
9 local regulations regarding development in wetlands. When wetland regulations
10 were adopted, subsequent to the PUD's approval, the area covered by this proposal
11 was found to contain a larger number of wetlands than originally identified. The
12 presence and configuration of these wetlands made the property less attractive for
13 industrial developments envisioned in the Master Plan. The change in circumstance
14 with regard to the demand on foreign trade zone land coupled with the change in
15 wetland regulations were not anticipated at the time the original Cordata land use
16 plan was adopted.
17

18 The Land Use chapter of Bellingham's Comprehensive Plan, June 5th, 2006,
19 recognizes the demise of Cordata as an industrial location. In its Part 5, Land Use,
20 discussion of Commercial and Industrial zones, State/James Street, Iowa Street and
21 Hannegan/Bakerview are identified as Light Industrial concentrations. Cordata is not
22 mentioned as a Light Industrial area but Cordata Parkway is identified as an area of
23 office concentration.
24

25
26 **Staff's Response:** Many significant changes have occurred since the adoption of
27 the Comprehensive and Neighborhood Plan.
28

29 The removal of the industrial designation on 239 acres in north and 50 acres in the
30 south portion of the PUD has affected the potential for interdependent relationships
31 between industrial sites envisioned by the Cordata Master Plan. Industrial lands
32 within the PUD were grouped to take advantage of the functional relationship
33 between similar uses. The areas were located to ensure compatibility with other
34 complimentary industrial uses in the business park. The subject site was intended to
35 provide the storage, distribution, and import-export for other industrial lands in the
36 PUD. These amendments did not at that time take into consideration the impact a
37 change in use would have on the subject site.
38

39 Amendment #2 established a town center consisting of 7 acres. The concept
40 included high residential density, open space, both passive and active, and a
41 commercial component. Development on the designated Town Center parcels has
42 consumed 4 of those 7 acres at a density of 5 units/acre. The remaining 3 acres is
43 not sufficient to provide the recommended uses and amenities that the
44 Comprehensive Plan calls for within Urban Villages/Centers. Without the ability to
45 provide these functions, the neighborhood as whole is lacking the focal point
46 identified previously as necessary to the Cordata community.
47

48 The Comprehensive Plan has recommended a Tier III Urban Village District (10-20
49 acres is District definition) in the Cordata Area. For the reasons provided above, the

1 previously identified Town Center would not meet the comprehensive plans
2 objectives. The only remaining parcels available to fulfill this direction have an
3 industrial designation. Of those industrial parcels, it is reasonable to assume that the
4 subject site is vacant and has the greatest resources to offer an Urban Village
5 concept.
6

- 7
- 8 **3. Have the underlying assumptions found in the comprehensive plan and/or**
9 **neighborhood plan upon which the land use designation, density or other**
10 **provisions are based changed, or is new information available which was not**
11 **considered at the time the plan was adopted? If so, the changed assumptions**
12 **or new information should be described in sufficient detail to enable the**
13 **Planning Commission and City Council to find that the land use designation or**
14 **other sections of the plan should be changed. Examples of the underlying**
15 **assumptions include expected population growth, utility or roadway**
16 **capacities, available land supply, or demand for land zoned with the existing**
17 **or proposed land use designation.**
18

19 **Applicant's response:** The failure of the subject property as an industrial site is the
20 result of a number of factors including, the presence and location of wetlands that
21 were not adequately considered in the original plan, the inability of the site to attract
22 FTZ uses, and the unfinished truck route infrastructure. It is also important that the
23 impact of the September 1994 PUD Amendment #2-North of Horton Road should
24 not be underestimated in its impact on the viability of established zones south of
25 Horton Road
26

27 The neighborhood plan designation of this property and other properties in the
28 Cordata Business Park Planned Unit Development (PUD) were based on the
29 underlying Cordata Master Plan. The Master Plan was the result of an extensive
30 planning effort by the property owner, who sought significant input from the county,
31 the city and the public. When the property was annexed into the City, and the Guide
32 Meridian Neighborhood Plan was amended to include Cordata Business Park, the
33 Cordata Master Plan land use designations were maintained and included in the
34 neighborhood plan.
35

36 At the time the Cordata Business Park was originally approved in 1985, and the
37 Cordata land use patterns were established, assumptions had to be made about
38 which areas were suitable for different types of land use. The site in question was
39 determined to be suitable for development with industrial/manufacturing uses in the
40 international trade economic sector. The land use pattern established in the master
41 plan was carried over into the neighborhood plan. As discussed in the previous
42 section, with the exception of the Caitac USA facility, interest in the property as a site
43 for industrial/manufacturing uses related to international trade has never
44 materialized.
45

46 The Cordata PUD's Master Plan designated the subject property as an International
47 Trade Center (ITC) where "manipulation, storage, distribution and import-export are
48 the appropriate industrial uses." The area was to be serviced by truck routes,
49 including Stuart Road (Cordata Master Plan 2.2.3, 1989) (Map 6.02). Exhibit C to

1 Guide Meridian Zoning Code – General Provision A.I (20) supports this concept and
2 designates Cordata Parkway, Horton Road, Stuart Road and Kline Road as the
3 “primary on-site public road system for the entire Cordata site”. The truck routes on
4 Cordata Parkway, Stuart (to the east) and Horton (also to the east) were intended to
5 create the supporting road infrastructure for the ITC. Stuart Road was a major
6 component of the road network as truck access to much of the subject site from
7 Cordata Parkway was limited by its median (right turn only). This access problem
8 and the subsequent lack of internal flow were compounded as wetland regulation
9 was increased and the functional value of the stream and its associated wetland
10 bisecting the property south of Horton was appreciated.

11
12 The presence of wetlands has reduced the attractiveness of the property for the
13 location of industrial/manufacturing facilities. The lack of demand for
14 industrial/manufacturing facilities related to international trade and the change in
15 wetland regulations were not anticipated when the plan was developed.

16
17 The County’s approval of PUD Amendment #2 in September 1984 changed the
18 character of the Cordata Business Park. Land north of Horton Road, originally
19 intended for predominantly light and medium manufacturing and light
20 industrial/warehousing, was reduced by converting all but about 20 acres to mixed
21 density residential. The concept of vertically integrating manufacturing and industrial
22 users in the north of Cordata with the FTZ and high-tech office complex south of
23 Horton Road was disassembled changing the dynamics of the Cordata
24 neighborhood.

25
26 The fact that the land has remained undeveloped for over 25 years in spite of
27 intensive efforts over that time to find users for the property is evidence that there is
28 simply no demand for industrial/manufacturing sites at this location. The demand for
29 industrial/manufacturing land is being satisfied elsewhere presumably because it is
30 easier and less costly to do so.

31
32 **Staff’s Response:** Underlying assumptions have changed since the 1986 adoption
33 of the PUD and the annexation of the PUD (see answers to #2 above).

- 34
35 **4. Does the proposed amendment promote a more desirable land use pattern for**
36 **the community as stated in the goals and policies in the comprehensive plan?**
37 **Are there environmental constraints (such as wetlands, steep slopes,**
38 **significant stands of trees, etc.) present on the site to such a degree that**
39 **development of the site is economically or physically unfeasible under the**
40 **existing land use designation? If so, a description of the qualities of the**
41 **proposed plan amendment that would make the land use pattern more**
42 **desirable and/or would result in less environmental impact should be provided**
43 **in sufficient detail to enable the Planning Commission and City Council to find**
44 **that the proposed neighborhood plan amendment is in the community’s long**
45 **term best interest.**
46
47

1 **Applicant's response:** The amount and distribution of jurisdictional wetlands on the
2 site has the affect of partitioning the uplands into small irregularly shaped areas.
3 These small irregularly shaped areas are not well suited for industrial development
4 and cannot be as used as efficiently under the industrial designation as they could
5 under a mixed use designation.
6

7 Under this proposal the land use would change from industrial to mixed use allowing
8 residential commercial, and community uses. In general, residential buildings and
9 commercial structures that provide community retail and community services have a
10 smaller footprint than industrial structures. Residential development is more easily
11 located on irregular shaped property with site constraints such as wetlands; the
12 design of these structures and the layout of buildings can be more readily adapted to
13 fit the limitations imposed by the site. Where a site is as severely impacted by a
14 scattering of small type III and type IV wetlands and their buffers, as is the case with
15 this site, some wetland fill may be necessary for any type of development on the
16 property. Industrial development, by its very nature, is less flexible in responding to
17 site constraints. The primary design consideration for industrial development is to
18 produce a site layout and building configuration that responds to the production
19 needs of the facility. The best industrial sites are large flat expanses of land that
20 allow the industrial site planner to ignore all but the need to design and layout
21 buildings in a pattern that is most efficient for the industrial user. The Bakerview
22 industrial area and the Grandview Industrial park are examples of areas where there
23 are few geographical constraints to the design and layout of industrial sites.
24

25 From the standpoint of the efficient use of property, mixed use development on this
26 site would result in a better pattern of land use than could be accomplished by
27 retaining this area for industrial development. From the standpoint of environmental
28 protection, greater design flexibility would accompany a mixed use designation. Low
29 Impact Design Standards (LIDs) can be more easily facilitated in residential design
30 than in industrial planning. The use of LIDs could minimize impervious surfaces.
31

32 There are a number of design elements in Tin Rock's proposal that address
33 deficiencies both within Cordata and in its environs. Since its 2004 Community
34 Growth Forum, The City of Bellingham has identified Cordata as a Tier III Urban
35 Center. This designation recognizes the need for a civic and community core in
36 Cordata. Cordata residents, and many from other Bellingham neighborhoods;
37 quickly acknowledge the pleasant and attractive neighborhoods in Cordata.
38 However, the discrete and distinct communities lack a vibrant center, a village green,
39 such as those in Fairhaven or the Columbia neighborhood's Elizabeth Park. Trail
40 connectivity, and non-vehicular circulation, an integral part of the Cordata Master
41 Plan concept has never been realized. And it is trails that bring much of the vibrancy
42 to Fairhaven and Boulevard Parks, and to Elizabeth and Cornwall Park. Amending
43 the neighborhood plan to allow for a mix of uses, other than industrial, has the added
44 benefit of comprehensively addressing north-south and east-west non-vehicular
45 connections across the subject property and redressing some past oversights. The
46 City of Bellingham's North Bellingham Trail Plan suggests a connection by way of a
47 pedestrian overpass along the Thomas Road ROW, and would connect a future King
48 Mountain Park to the east (with further possible connections to Bay-to-Baker) with
49 future developed City parks in Cordata and its new 75-acre acquisition on Northwest.

1 While a connection does not exist under current zoning, a strong connection to
2 Thomas Road can be accomplished within this proposed amendment.
3

4 Tin Rock and Cordata Investments have secured easement rights over a portion of a
5 75-acre site (Riley) on Northwest Rd, and worked closely with the City of Bellingham
6 Parks Department to facilitate the purchase of the property by the City for use as a
7 future trail park. The developer will use its easement across a portion of this site to
8 mitigate any unavoidable wetland impacts of its proposal. The Riley site contains an
9 important segment of Bear Creek with associated, yet degraded, wetlands which the
10 US Army Corps of Engineers and Washington State Department of Ecology have
11 been hoping would be restored and preserved. Tin Rock has been discussing the
12 opportunity of mitigating its Cordata impacts by the creation and enhancement of
13 wetlands and stream corridors on Riley with these agencies, but will not be able to
14 submit a formal application until its rezone request is resolved. A letter from Tin
15 Rock's consultant, Vikki Jackson of Northwest Ecological Services, is provided in
16 **Attachment A.**
17

18 **Staff's Response:** Yes. The proposal provides an urban center that is on an arterial
19 and transit route, in close proximity to commercial services and a community college,
20 and is in a neighborhood having a well-defined character.
21

22 As stated above, the site contains many wetlands that cover approximately 26% of
23 the site. The site's topography is benched and rolling. Industrial development does
24 not by nature have the design flexibility that residential and commercial development
25 has to cluster around the wetlands and develop with the topographic constraints.
26 The wetlands, with or without impact, create challenges for achieving maximum use
27 of this land for industrial purposes. It is anticipated that mass grading would be
28 necessary to provide suitable industrial pads.
29

30 The mixed use proposal demonstrates the flexibility to provide smaller clusters of
31 development in and around the environmental features. Residential and commercial
32 buildings can be modulated and increased in height to provide the floor area
33 necessary to create a viable development, both economically and physically.
34

35 The subject site's location is not the best for industrial development. The site is not
36 located on or near rail and is greater than a ¼ mile from I-5. The property's access to
37 I-5 is not direct. The existing zoning does not contain any attributes that could not be
38 provided elsewhere.
39

40 Retention of this area for industrial development may hinder the City from meeting its
41 identified employment land goals. Given the physical restraints and the lack of
42 major attributes associated with high quality industrial land, use of the site cannot be
43 maximized without causing impacts on the physical environment.
44

- 45
46 **5. What impacts would the proposed amendment to the plan have on the current**
47 **use of other properties in the vicinity? What measures should be taken to**
48 **ensure compatibility with the uses of other property in the area?**
49

1 **Applicant's response:** The proposed amendment to the plan would have little effect
2 on the current or planned future use of properties in the area. The site is located in
3 Cordata Business Park, a mixed use development that includes residential,
4 commercial and industrial land uses. The underlying premise of the Cordata
5 planned unit development is that industrial, residential and commercial development
6 can co-exist harmoniously if appropriate design guidelines are in place to assure
7 compatibility. The Cordata Protective Covenants and the Cordata Business Park
8 Development and Design Guidelines, adopted at the time Cordata was approved,
9 have been guiding development in the business park since the first buildings were
10 constructed. These guidelines have proven to be an effective means for maintaining
11 compatibility between the varieties of different uses that have developed in the park.
12 Their application to the site and surrounding area within the business park will
13 assure that development of the subject property with residential rather than industrial
14 uses will not be incompatible with existing and future industrial land use in the area.

15
16
17 **Staff's Response:** Design guidelines will ensure compatibility. The surrounding
18 uses are compatible with residential and mixed use development. There are service
19 uses west and south of the subject site. The site will provide commercial uses
20 intended to serve a broader range than just the proposal itself. The subject site is
21 buffered from the industrial area to the east by critical areas. Enhanced pedestrian
22 connectivity with the residential uses west of Cordata parkway is essential.

23
24
25 **REZONE CRITERIA**

26 **BMC 20.19.030 A**

27 In evaluating proposed rezones, the Planning Commission and City Council should consider
28 the following criteria:

- 29
30 **1. It is consistent with the comprehensive plan or corresponds to a concurrent**
31 **comprehensive plan amendment application**

32 **Applicant's Response:** The requested zoning will be consistent with the concurrent
33 Comprehensive Plan and Neighborhood Plan Amendments.

34
35 **Staff's Response:** The proposed amendment is generally consistent with the
36 comprehensive plan and corresponds to a neighborhood plan amendment
37 application. The rezone meets the adopted criteria for neighborhood plan
38 amendments (see above statements).

- 39
40 **2. The proposed rezone will not adversely affect the public health, safety and**
41 **general welfare.**

42 **Applicant's Response:** The requested rezone does not adversely affect the public
43 health safety and general welfare. The project has insignificant negative public
44 health or safety implications, and the general welfare will be enhanced by having a
45 property that creates employment, serves the housing needs of Whatcom

1 Community College, and the retail employers in the area and has the potential to
2 create a civic center for the Cordata Neighborhood.

3
4 **Staff's Response:** The proposal will not adversely affect the public health, safety,
5 and general welfare.

6
7 **3. It is in the best interests of the residents of Bellingham.**

8 **Applicant's Response:** The requested rezone is in the best interest of the residents
9 of Bellingham (see section b above).

10
11 **Staff's Response:** The proposal would allow for appropriate mixed-use
12 redevelopment in an identified Urban Village. It implements the goals and policies of
13 the comprehensive plan, which promotes development strategies with Bellingham
14 citizen's best interests at the forefront. It allows for commercial development to occur
15 near to and compliment residential uses, both within the proposal and in the vicinity.
16 The proposal satisfies both residential and commercial land use needs in an area
17 already developed with utilities and streets.

18
19 **4. The subject property is suitable for development in general conformance with**
20 **zoning standards under the proposed zoning district.**

21
22 **Applicant's Response:** The Property is suitable for development as a mixed use
23 project. The main issues are environmental, all of which can be adequately
24 mitigated to allow the site to be used for the Owner's intended purpose.

25
26 **Staff's Response:** The subject property is suitable for development in general
27 conformance with the proposed zoning and the PUD. The PUD contains adequate
28 design guidelines to ensure that this proposal is consistent the existing development
29 within the PUD.

30
31
32 **5. Adequate public facilities and services are, or would be, available to serve the**
33 **development allowed by the proposed zone.**

34
35 **Applicant's Response:** There are adequate public facilities and services in the
36 Cordata area to serve the proposed development, including water, sewer,
37 transportation and the private utilities that will be needed to serve the project;

38
39 **Staff's Response:** Adequate public facilities and services are in place or will be
40 upgraded. The property is located on a transit corridor and additional commercial
41 facilities are located close by. The proposed Aldrich Elementary school will serve the
42 development.

43
44 **6. It will not be materially detrimental to uses or property in the immediate**
45 **vicinity of the subject property; and**

1 **It is appropriate because either:**
2

- 3 **a. Conditions in the immediate vicinity have changed sufficiently since the**
4 **property was classified under the current zoning that a rezone is in the**
5 **public interest; or**
6 **b. The rezone will correct a zone classification or zone boundary that was**
7 **inappropriate when established; or**
8 **c. The rezone will implement the policies of the comprehensive plan.**
9

10 **Applicant's Response:** The rezone will not be materially detrimental to uses on the
11 adjacent properties. The adjacent properties are non-residential uses that will not be
12 adversely impacted by the types of uses that are proposed for the Property;
13

14 This requested rezone is appropriate because there has been a change in
15 circumstances relating to the Property. For many years the Property owner
16 attempted to sell the Property exclusively for industrial use, but because of its
17 configuration, location and environmental issues, there has been little interest in the
18 property for development limited to industrial uses. Adding other uses to the
19 industrial component will make the appropriate use of the Property possible. The
20 Cordata Neighborhood needs a large project that is flexible enough to be designed
21 in a way that the Cordata neighborhood can have a civic center. This project could
22 satisfy that need. The proposed residential component will help the City satisfy its
23 GMA future housing requirements.
24

25 **Staff's Response:** The rezone will not be detrimental to property in the area. It will
26 be compatible with both residential and commercial surrounding development.
27

28 As stated in earlier sections of this report, the rezone is appropriate given the
29 previous changes to the PUD that lacked the comprehensive review necessary to
30 identify the cumulative impacts to the remaining industrial zoned properties.
31

32 The proposed rezone is consistent with the comprehensive plan. It promotes the
33 efficient use of land through infill that reflects the character of the existing
34 neighborhood and future Urban Village. It is near commercial facilities and located
35 on a designated arterial and transit corridor.
36
37

38 **VIII. PUBLIC COMMENT**

39 The applicant held a planning workshop in anticipation for this proposal in July of this year.
40 The collective feedback from the attendees is generally represented on the Conceptual Site
41 Plan. **See Attachment A.**
42

43 Notice of this hearing was mailed to property owners, neighborhood representatives and
44 associations and other interested parties. Notice was also published in the Bellingham
45 Herald.
46

47 Any comments received will be transmitted to the Planning Commission.
48
49

1 **IX. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

2
3 A non-project SEPA determination of Non-Significance was issued on September 21, 2009.
4 A project specific environmental threshold determination will be issued at the time of
5 development.
6

7 **X. STAFF RECOMMENDATION**

8
9 Staff recommends Planning Commission move to adopt Findings, Conclusions and
10 Recommendations as shown in **Attachment D**. The applicant has demonstrated that the
11 proposed Cordata Village Comprehensive Plan Amendment and the Rezone is consistent
12 with the Comprehensive Plan and the Growth Management Act. The proposal will further
13 the goals and policies by establishing an Urban Center in Cordata, maintain a sufficient
14 level of employment lands, increase the residential land supply, provide necessary open
15 space, locating urban development on a transit route, and establish infill development in an
16 area that is currently served by public infrastructure and is close to education resources.
17
18

19 **X. LIST OF ATTACHMENTS**

- 20 A. Submittal from Applicant
21 B. Guide Meridian/Cordata Map – Proposed Zoning
22 C. Cordata PUD Boundaries/Subject Site Inset
23 D. August 17, 2009 Letter to Blair Murray – Process Outline
24 E. Draft Findings of Fact, Conclusions and Recommendations
25 F. Determination of Nonsignificance – dated September 21, 2009
26 G. Critical Areas Map
27 H. Proposed Amendments to the Cordata Business Park Master Plan and Development
28 and Design Guidelines
29 I. Draft Development Agreement
30 J. Applicable Comprehensive Plan Goals and Policies
31