



use # 1300 BIK McKenzie Ave

Planning

Permit Center
210 Lottie Street
Bellingham, WA 98225
phone: 360-778-8300
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R# 003-00200444

#185

11/30/10

BJS | MLQ

TO BE COMPLETED BY STAFF

Date Received 11/30/10
Case Number ZON2010-00009

KAS

COMPREHENSIVE PLAN AMENDMENT
DOCKET APPLICATION FORM

Use this form to request docketing of a proposed comprehensive plan amendment. Applications may be submitted at any time but must be received by December 1 of each year for review during the following year. Please complete the following and attach additional pages as needed. Incomplete applications will not be accepted.

1. An application must include the following materials:

- Docket Application Form.
Fee payment calculated at 10% of the total comprehensive plan amendment fee.* The fee is not refunded if the proposal is not docketed. The fee is calculated as follows:

(a) General comprehensive plan amendments: \$1,849 x 0.1 = \$185 due at docket application.

OR

(b) Site specific comprehensive plan amendments: \$1,849 base fee + \$213 per acre over first acre (\$12,750 max.) x 0.1 = fee due at docket application. Final fees will be calculated at the time the application is submitted.

*Recognized Neighborhood Associations are exempt from this fee.

2. Applicant: BRIAR DEVELOPMENT COMPANY Phone: (360) 733-8720
Address: P.O. Box 9704
City/State/Zip: BELLINGHAM, WA 98227-9704
Email: Fax:

Name of contact if applicant is a group: DON KEHRER - APPLICANT'S AGENT
SEE CONTACT INFO ON PAGE 3

I have read the application materials and acknowledge that if the proposed amendment is approved by the City Council for inclusion in the annual docket, a complete Comprehensive Plan Application must be submitted within 30 days of the Council's docket decision in order to continue to final review. Failure to submit a complete application prior to the deadline will result in removal from the docket.

Applicant signature: [Signature]

3. If the proposal includes general Comprehensive Plan or Neighborhood Plan amendments that are not site-specific, please describe your amendment proposal as specifically as possible and attach it to this form. If specific wording changes are proposed, show the changes in strikethrough and underline format. Reference the location in the Plan where the change is proposed.

4. Explain why the amendment is needed.

The applicant, Briar Development Company LLP, has the same ownership as and is the real estate and development arm for Haggen Inc. Throughout this document, the term "Haggen" refers collectively to Haggen Inc. and Briar Development Company LLP.

Haggen has acquired additional property to the east of their existing store site to support the future expansion of their Fairhaven store when market conditions warrant an expansion. Most of this additional property, as well as the existing store site, is located in the Fairhaven Neighborhood on land designated commercial in the Fairhaven Neighborhood Plan. However about 0.5 acres of the additional property purchased by Haggen (the eastern half of the city block bounded by 13th on the west, 14th on the east, McKenzie on the north and Larrabee on the south) is located in the adjacent Happy Valley neighborhood on land designated Residential Single. The Haggen amendment request proposes moving the boundary of the Fairhaven Neighborhood from the middle of the block described above to the east side of the block, specifically to the centerline of 14th Street and changing the designation of the 0.5 acres on the east half of the block to the same designation as that of the remaining Haggen property to the west, which is currently designated commercial.

Haggen has assembled the property and is proposing the amendment to create a site of sufficient size so that from a future site planning perspective, all the property will be in one neighborhood and covered by a single land use designation. This will greatly simplify the future site planning process, allow greater design flexibility to develop plans for the site that fit in with the community vision and provide certainty to the community that the site will be planned and developed as a whole. Although not part of this application, Haggen will also be submitting in the future a request for the vacation of the portion 13th street between Larrabee and McKenzie Streets to complete the formation of an appropriately configured site to allow for the type of future store expansion both customers and the community will find appealing.

5. Describe why the amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

As identified above, Haggen has purchased land to the east of the existing store property to provide a site of sufficient size to allow for future store expansion and additional parking when the need arises. The population of Fairhaven and surrounding communities is expected to grow. In keeping with the principles of good urban planning it would be desirable that most if not all of the goods and services needed to support population growth in the community were available locally and especially within walking distance of residential areas.

Haggen's Fairhaven market fulfills at least part of this goal by providing a conveniently located retail grocery facility in what is essentially the commercial core area of the Fairhaven Urban Village. The continuation, and future expansion when needed, of a grocery business at this location benefits the community due to its convenience to residential areas and to the range and variety of grocery items available and made possible by its size.

Approval of the proposal will facilitate the expansion of the grocery store when needed and consequently the long term sustainability of a retail grocery business at this location. Haggen would like to own and operate a grocery store at this location for many more years and believes the interest of the surrounding business and residential community is served by having a full service grocery store at this location on a site with sufficient room to expand.

6. Describe how the proposed amendment to the plan is supported by or consistent with the existing goals and policies of the comprehensive plan and the State Growth Management Act.

The proposal is not in conflict with applicable goals or policies of the City's comprehensive plan and is supported by several land use policies including the following:

Policy FLU-9: This policy identifies the need to promote a diverse economy by encouraging retail and other commercial and industrial uses at appropriate locations. The existing Haggen store in Fairhaven is appropriately located in what the Comp Plan identifies as a District Urban Center. In that regard, the store serves the needs of the surrounding greater Fairhaven community as well as the Fairhaven Neighborhood. This proposal would provide additional space to expand the existing facility at its current location when consumer demand warrants.

Policy FLU-15: This policy identifies that growth in Bellingham will be accommodated primarily in compact "urban centers" (or "villages"), while preserving the character of existing single family neighborhoods. Haggen has anticipated that the implementation of this policy will lead to an increase in population in the Fairhaven District Urban Center and therefore the need to make plans for the future expansion of the store. The site of the existing store provides limited area for expansion resulting in the decision to purchase adjoining land to the east and to seek approval for this amendment proposal as well as a road vacation in the future.

Policy FLUG-16: As identified in this District Urban Centers such as Fairhaven, Bellis Fair and Barkley Village are designed to serve the entire community while remaining accessible to those living and working nearby. The existing Haggen store supports this policy by providing a community sized retail grocery facility easily accessible by foot or short drive to persons living and working nearby. The proposal will facilitates the ability of Haggen to continue to provide community level retail grocery service as the population of Fairhaven and surrounding neighborhoods grows.

With regard to the provisions of the Growth Management, the City's Comprehensive Plan has been adopted to fulfill the goals and policies of the State Growth Management Act. As described above, the proposal is consistent with the goals and policies of the City's Comprehensive Plan and is therefore generally consistent with the Growth Management Act.

7. Have circumstances changed sufficiently since the adoption of the comprehensive plan and/or neighborhood plan to justify the proposed change? If so, please explain.

Yes. Circumstances have changed substantially since the adoption of the current Fairhaven Neighborhood Plan. The plan was adopted in 1980 and has not been the subject of a comprehensive update since its adoption. This 30-year old plan does not reflect current Comprehensive Plan Goals and

Policies specifically those relating the idea of Fairhaven as a District Urban Center and the policies related thereto. For this reason, the City has docketed a revised Fairhaven Neighborhood Plan proposed by Fairhaven Neighbors to address shortcoming and update the existing neighborhood plan. Policy FLUP-24 of that draft plan contemplates the neighborhood boundary adjustment and change in land use designation that is the subject of this docketing request.

As identified above, the 0.5 acre area that Haggen is proposing for inclusion in the Fairhaven Neighborhood is currently located at the western edge of Area 5 of the Happy Valley Neighborhood and abuts the Area of 2 of the Fairhaven Neighborhood. The boundary between two neighborhoods runs down the center of the block. There is no alley on that block and consequently the neighborhood line follows existing property boundaries and does not run down an alley.

Although the Happy Valley Neighborhood Plan has been updated more recently than the Fairhaven Plan, the Happy Valley Plan identifies that the 1995 Bellingham Comprehensive Plan together with input from the Happy Valley Plan update process were the core elements used to create the plan.

The establishment of the Fairhaven District Urban Center concept in the 2005 Bellingham Comprehensive plan and the Fairhaven Neighbors inclusion of policy FLUP-24 in their docketed draft of an update to the Fairhaven Neighborhood Plan provides support to move the neighborhood boundary and change the land use designation of the 0.5 acre property as requested by Haggen in this application.

8. Have the underlying assumptions found in the comprehensive plan and/or neighborhood plan upon which the land use designation, density or other provisions are based changed, or is new information available which was not considered at the time the plan was adopted? If so, please explain.

As described above, the Fairhaven Neighborhood Plan is 30-years old. Its adoption predates the State Growth Management Act and many of the current environmental and sensitive areas policies put in place by GMA. Additionally the neighborhood plan predates many of the current strategies that have been developed for creating livable neighborhoods in the face of the need to substantially increase urban densities to reduce sprawl. The City's comprehensive plan policies incorporate these design strategies including the creation of district and neighborhood urban centers but the current neighborhood plan does not. As described above, the Haggen proposal will promote the long term sustainability of a grocery store business at its current location, which is consistent with the land use policies of the City's comprehensive plan.

Under the Happy Valley Neighborhood Plan, the partial city block that is the subject of this application is part of a much larger area, identified as Area 5 in the Plan. At the time the neighborhood boundary was set, the east half of the block was developed with single family residences. Although isolated from the rest of Area 5 by City right of way it was retained as part of Happy Valley neighborhood. Currently, of the five tax parcels that make up this 0.5-acre area, (all of which are owned by Haggen) only two are developed with residences, both of which are small 2-bedroom single story houses built in 1925.

Haggen has reason to believe that this half of the block may have been included in the Happy Valley neighborhood because at the time the neighborhood boundaries were originally drawn, the boundary at

PROPERTY INFORMATION

Complete this section if the proposal includes a site-specific amendment to a comprehensive plan land use designation.

1. Property Owner

Name: BRIAR DEVELOPMENT COMPANY Phone: (360) 733-8720
Address: P.O. BOX 9704
City/State/Zip: BELLINGHAM, WA 98227-9704
Email: Fax:

2. Owner's Authorized Agent/Contact

Name: DON KEHAER dba DONIVAL KEHAER & ASSOC Phone: (360) 733-8334
Address: P.O. BOX 248
City/State/Zip: BELLINGHAM, WA 98227
Email: dkehaer@kehaerassoc.com Fax:

3. Assessor Parcel Numbers: 370201191060 370201184048 370201181058
370201186060 370201190043

4. Attach a map (8.5" x 11") identifying the property included in the proposed amendment and showing parcels and streets located within and adjacent to the site.

5. Neighborhood Name: FAIRHAVEN HAPPY VALLEY Area Number: 2A 5
Current Comprehensive Plan Land Use Designation: RESIDENTIAL SINGLE (RS)

6. Proposed Comprehensive Plan Land Use Designation: COMMERCIAL (C)

7. Current Zoning: RESIDENTIAL SINGLE

8. Proposed Zoning: COMMERCIAL

Property Owner(s)

I am the owner of the property described above or am authorized by the owner to sign and submit this application. I grant permission for the City staff and agents to enter onto the subject property at any reasonable time to consider the merits of the application and post public notice. I certify under penalty of perjury of the laws of the State of Washington that the information on this application and all information submitted herewith is true, complete and correct.

I also acknowledge that by signing this application I am the responsible party to receive all correspondence from the City regarding this project including, but not limited to, expiration notifications. If I, at any point during the review or process, am no longer the Applicant for this project, it is my responsibility to update this information with the City in writing in a timely manner.

Signature by Owner/Applicant/Agent: [Handwritten Signature]

Date: 11/29/10

City and State where this application is signed: BELLINGHAM WA
City State

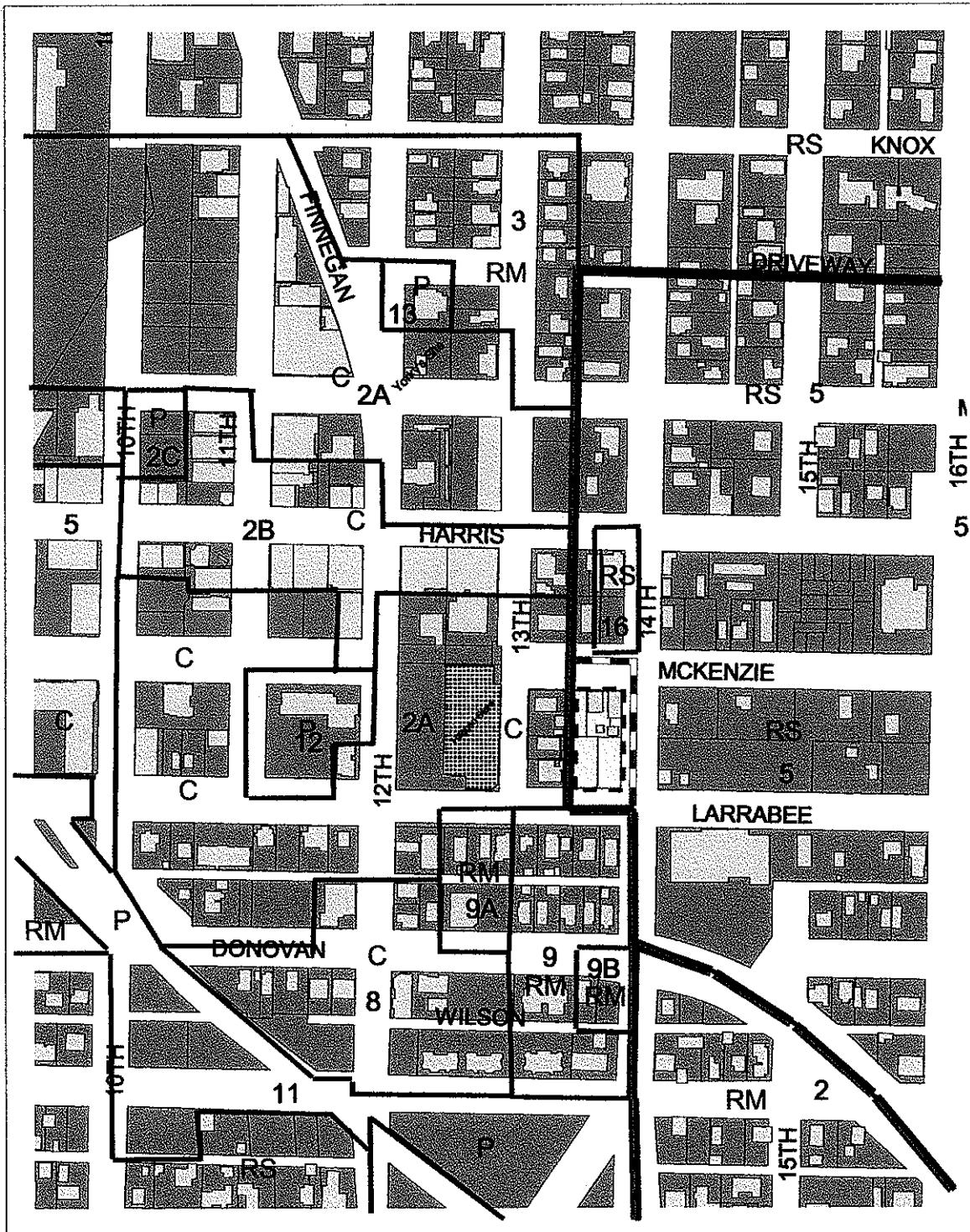
Haggen Docket Application

Comprehensive Plan Amendment Proposal November 2010

-  Zoning Boundary
-  Neighborhood Boundary
-  Buildings
-  Comp Plan Amendment Area

C Current Zoning Designation 2A Subarea Number

Proposed New Fairhaven Neighborhood Boundary Line 



DONOVAN KEHRER & ASSOCIATES
Planning & Development Services
P.O. Box 248
Bellingham, WA 98227

Phone: (360) 733-8334

Email: dkehrer@Kehrerassoc.com

November 29, 2010

Ms. Nicole Oliver
City of Bellingham
Planning and Community Development Department
210 Lottie Street
Bellingham, WA 98225

RE: Haggen Fairhaven Neighborhood Plan Amendment Proposal
Docket Request

Dear Ms. Oliver,

I am writing on behalf of Haggen, Inc. and its real estate and development arm, Briar Development Company LLP (collectively "Haggen"), in response to the City of Bellingham's plans to complete the process to finalize and adopt a new Fairhaven Neighborhood Plan. That process that was started in late 2007 with the submittal and subsequent docketing of the draft neighborhood plan proposal submitted by Fairhaven Neighbors.

I participated on behalf of Haggen as their representative during the neighborhood planning process initiated in 2007 by Fairhaven Neighbors which resulted in the plan docketed by the city. I have continued to participate by attending neighborhood meetings in anticipation that the City would act on the Fairhaven Neighbors proposal, which includes provisions of particular interest to Haggen. Hopefully the City will be able complete the plan review and approval process in a timely manner. We are aware that the City has concern with some of the language of the current draft and hope that City Staff and the community can work through the language and policy issues expeditiously and a new neighborhood plan can be adopted in 2011.

In that regard Haggen would like the new plan to include the changes that they proposed during the 2007 plan development process and which are reflected in Policy FLUP 24 of the docketed draft of the Fairhaven Neighborhood Plan as submitted by Fairhaven Neighbors.

Policy FLUP 24 reads:

FLUP-24: *Discussions with the Happy Valley Neighborhood Association should be initiated to address the issue of moving the eastern boundary of the Fairhaven Neighborhood between Larrabee and McKenzie from its current location through the middle of the block between 13th and 14th Streets to the centerline of 14th Street to provide a more logical boundary for administration and development. The new area could be included in area 2 and zoned accordingly.*

This policy was included in the draft plan in response to a request by Haggen addressed in a letter to the Land Use Committee Chairman of the Fairhaven Neighborhood Plan Committee on August 21, 2007 (see copy of letter attached). Our request in that letter was that the eastern half of the City Block bounded by 13th street on the west, McKenzie Street on the north, 14th Street on the east and Larrabee Street on the south be included within the boundary of the Fairhaven Neighborhood and that the land use designation be changed from Residential Single (RS) to the same land use designation at the west half of the block which is Commercial (C) under the current Fairhaven Plan.

Fairhaven Neighbors responded to Haggen's request by adopting Policy FLUP-24. In a letter submitted via email on November 12, 2007 to the Acting Land Use Committee Chairman (see copy attached) Haggen responded to the planning committees proposed language of FLUP-24 shown above (The November 12 letter references FLUG-15 which was the original number assigned to this policy. The number was changed to FLUP-24 in the final version of the plan submitted to the City).

Haggen supported this policy but expressed the desire that the boundary adjustment and land use change be accomplished as part of the neighborhood plan adoption process and not left as an item to consider for the future after a new plan is adopted. After discussing the City's currently proposed process for reviewing and approving a final Fairhaven Neighborhood Plan with City Staff, it appears that from a procedural standpoint, the most expedient way to have Haggen's request considered as part of the neighborhood plan process is to submit the proposal as a separate item to be docketed and considered simultaneously with the consideration of the Fairhaven Neighborhood Plan.

In that regard, and on behalf of Haggen, I am herewith submitting a completed Docket Application Form as Haggen's application to have their proposed comprehensive plan amendment included on the year 2011 Comprehensive Plan Amendment Docket. Haggen understands that if their proposal is approved for docketing that they will be required to submit a Comprehensive Plan Amendment Application within 30 days of the City Council docket decision and that if they fail to do so their proposal will be removed from the docket.

To avoid confusion as you review the application, I want to clarify that the applicant and landowner, Briar Development Company LLP, has the same ownership as and is the real estate and development arm for Haggen Inc. I will be acting as Haggen's representative for the purpose of this Docket Application and have signed the application as their agent.

If you have any questions concerning the attached Docket Application packet or need any additional information please let me know.

Very truly yours,



Donovan F. Kehrer

cc: Gary Hall, Briar Development Company



Haggen, Inc. P.O. Box 9704
Bellingham, WA 98227-9704
(360) 733-8720

August 21, 2007

Mr. Doug Robertson, Chairman
Land Use Subcommittee of the
Fairhaven Neighborhood Plan Committee

Dear Mr. Robertson,

At the June meeting of the Land Use Subcommittee, we requested, through our representative, Mr. Don Kehrer, that the Land Use Subcommittee consider a revision to the Fairhaven Neighborhood Plan to move the boundary of the Fairhaven Neighborhood to include property we now own adjacent to our Fairhaven store and to change the land use designation of the property from RS to C. It is my understanding that this request has generated some concern about Haggen's future plans for the store. I would like to respond to that concern and provide additional information about our request.

As a landowner and the operator of a grocery business in the Fairhaven Neighborhood, we have an interest in seeing that our business continues to service the needs of the Fairhaven community. As the community grows and the customer base expands we anticipate that we will need to make changes to the existing store including providing additional parking, adding retail space either by adding to the existing structure or replacing the existing building with a new structure.

In that regard, we have been purchasing properties adjacent to the existing store to provide additional area for a store expansion if and when an expansion of the existing facility is needed and to provide additional parking. Real estate does not typically get less expensive or easier to assemble over time. The decision to purchase adjoining properties now, even though additional retail space may not be needed for five to fifteen years, was based on our understanding of this fundamental fact about the real estate market.

Our property ownership now includes most of the property in the block bounded by 13th and 14th streets to the west and east respectively and McKenzie street to the north and Larrabee Street on the south. The boundary between the Fairhaven Neighborhood and the Happy Valley Neighborhood separates this city block into a western and eastern half. The western half is located within the Fairhaven Neighborhood and currently has the same Neighbor Commercial Mixed land use designation as the store. The eastern half is located within the Happy Valley Neighborhood and is currently designated Residential Single (RS).

We have been and intend to continue to participate in the neighborhood planning. It was our understanding that as part of this process, suggestions and requests for plan changes are being solicited from property owners and other interested stakeholders in the community for consideration by the committee. In response, we had submitted our request to include the eastern half of the city block described above into the Fairhaven Neighborhood and to change the land use designation of the properties included from Residential Single (RS) to Neighborhood

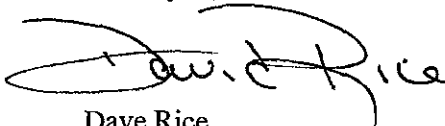
Commercial Mixed (C). The new neighborhood boundary would move east to the centerline of 14th street and then jog west at the intersection of 14th and McKenzie along the center line of McKenzie and reconnect with the neighborhood boundary at the mid block of the city block to the north.

The result of this boundary change would be to increase the size (exclusive of road rights of way) of Area 2A in the Fairhaven Neighborhood by about 0.5 acres and reduce the size of Area 5 in the Happy Valley Neighborhood by the same amount. The proposed change would affect only land owned by us and would result in a uniform land use designation for the properties we own.

Although we have no immediate plans to remodel or otherwise expand the existing facility, from the perspective of our long range planning for the site, having all our property in one neighborhood and covered by a single land use designation will simplify the site planning process in the future and will allow greater design flexibility to develop plans for the site that fit in with the community vision.

I hope the information I have provided above will help clarify the basis for and the nature of our request. I have attached a map showing our property ownership as described in paragraph four above.

Thank you,






A handwritten signature in black ink, appearing to read "Dave Rice". The signature is stylized with a large, sweeping initial "D" and "R".

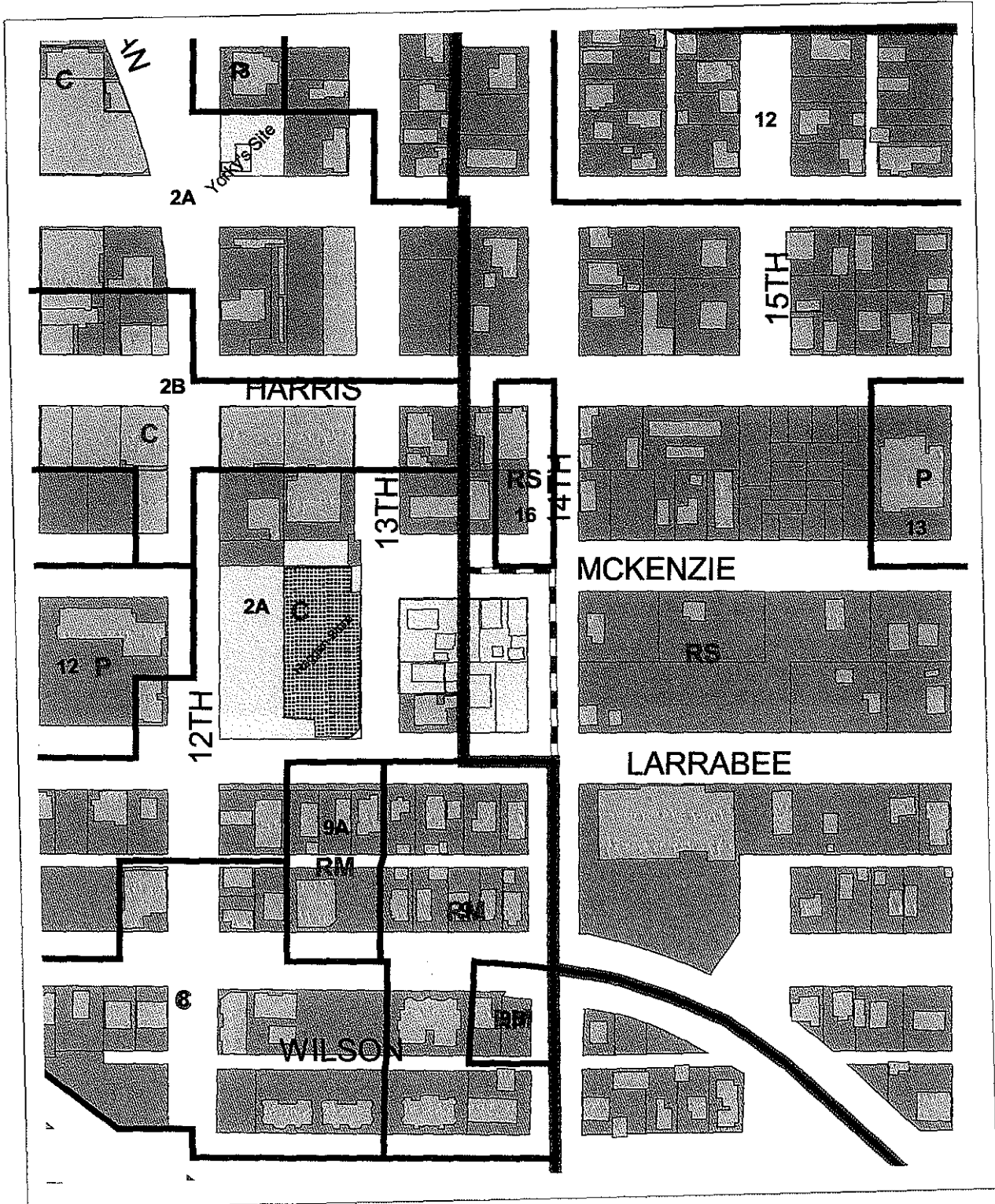
Dave Rice
Senior Vice President, Briar Development

A small, handwritten mark or signature in the bottom right corner of the page.

Haggen

Fairhaven Properties

-  Zoning Boundary
-  Neighborhood Boundary
-  Buildings
-  Haggen Properties
- C Zoning Designation
- 2A Subarea Number
- Proposed New Neighborhood Boundary 



DONOVAN KEHRER & ASSOCIATES
Planning & Development Services
P.O. Box 248
Bellingham, WA 98227

Phone: (360) 733-8334

Facsimile: (360) 733-7647

SENT VIA E-MAIL

November 12, 2007

Ms. Janet Simpson
Acting Chairperson,
Fairhaven Neighborhood Plan Committee
409 Cowgill Avenue
Bellingham, WA 98225

RE: Comments on Draft Fairhaven Neighborhood Plan

Dear Ms. Simpson,

As you know, I submitted a request to the Fairhaven Neighborhood Plan Committee on behalf of Haggen regarding the land use designation of certain Haggen owned lots fronting on 14th Street behind their store. Specifically, Haggen requested that the committee consider moving the Fairhaven Neighborhood Boundary, that now separates their property ownership, east to the centerline of 14th so that the property they own fronting 14th street would be included in the Fairhaven Neighborhood and be designated for commercial development. This would help facilitate planning for the future development of their contiguous landholdings including the store site and would also mean that any future planning for the use of their properties would be developed in accordance with the Fairhaven Neighborhood Plan and not be subject to two different neighborhood plans.

With regard to that request, I see that land use goal FLUG-15 of the draft neighborhood plan provides that discussions be held with the Happy Valley Neighborhood to move the neighborhood boundary west to 14th Street and to change the land use designation to planned commercial. Haggen supports this provision of the plan, at least insofar as their property is concerned, and agrees that 14th street provides a more logical boundary between the two neighborhoods than the current boundary which runs across the back of a number of lots fronting 14th Street including those owned by Haggen.

I am not sure what discussions with the Happy Valley Neighborhood will entail but believe the boundary adjustment proposal makes sense from a neighborhood planning perspective and hope that the land use committee will actively support the boundary adjustment during discussions with the Happy Valley folks.

I understand from discussions with Jackie Lynch of the City Planning Department, that changing the boundary of a neighborhood can be accomplished as part of the neighborhood plan review and plan update adoption process and does not require a separate process. In that regard I am hoping that the boundary change could be accomplished as part of the approval process for the final draft plan that you will be submitting in December. In other words, I am hoping that the boundary adjustment and land use change will be an item to be accomplished as part of the current neighborhood plan proposal rather than an item to consider for the future.

I plan to continue to participate in the neighborhood planning process on behalf of Haggen and will continue to actively support the boundary adjustment and land use designation proposed for Area 2 in the current draft of the plan. I am hoping that you and the other members of the Land Use Sub-Committee will also actively support this change.

On behalf of Haggen and myself, I want to thank you for the time and effort you and the other committee members have expended in preparing the Draft Fairhaven Neighborhood Plan.

Sincerely

Donovan F. Kehrer
Principal