

ORDINANCE NO. 2009-08-051

AN ORDINANCE RELATED TO LAND USE REGULATIONS, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 20.20, SECTION 21.10.040 AND 21.10.150 REGARDING THE PROCESS FOR ESTABLISHING THE DOCKET FOR ANNUAL COMPREHENSIVE PLAN AMENDMENTS.

WHEREAS, the City Council has requested amendments to simplify and clarify the process for establishing the docket for annual comprehensive plan amendments; and

WHEREAS, the proposed amendments would provide opportunity for public participation in the docketing process and give the City Council control over the content of the annual docket list; and

WHEREAS, the proposed amendments comply with and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the proposed amendments are exempt from the State Environmental Policy Act per WAC 197-11-800 (19); and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendments was sent to the Dept. of Community, Trade and Economic Development on May 11, 2009; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on June 11, 2009 on the proposed code amendments; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter transmitted their recommendation to the City Council; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10 the City Council held a public hearing on the proposed code amendments on July 27, 2009; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Chapter 20.20 is hereby amended as follows:

20.20 COMPREHENSIVE PLAN AND NEIGHBORHOOD PLAN AMENDMENTS

City of Bellingham
City Attorney
210 Lottie Street
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.010 INTRODUCTION

The comprehensive plan document guides the nature and intensity of development in the City. The City of Bellingham's adopted comprehensive plan contains several components or elements, including the neighborhood plans.

.020 [Repealed.]

.030 [Repealed.]

.040 [Repealed.]

.050 [Repealed.]

.060 COMPREHENSIVE PLAN AND NEIGHBORHOOD PLAN AMENDMENT DECISION CRITERIA

[Unchanged.]

.070 [Repealed.]

.080 ANNEXED PROPERTY

[Unchanged.]

Section 2. Bellingham Municipal Code Section 21.10.040 is hereby amended as follows:

21.10.040 - Types Of Land Use Decisions

[A. – H. Unchanged.]

- I. **Type VI.** A Type VI review process is a legislative decision made by the City Council after review and recommendation by the Planning Commission. The following are Type VI decisions:
1. Comprehensive plan and neighborhood plan amendments;
 2. Development regulation amendments;
 3. Institutional master plans and amendments that require a concurrent amendment to the comprehensive plan;
 4. Planned action adoption as authorized by BMC 16.20;
 5. Legislative rezones as described in BMC 20.19.020.A.1; and

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6. Historic district designations as described in BMC 17.90.050; and
7. Establishment of annual comprehensive plan amendment docket.

[J. Unchanged.]

Section 3. Bellingham Municipal Code Subsection 21.10.150.B. regarding the Type VI process is hereby amended as follows:

B. Application. A complete application shall consist of the submittal requirements established by the Director and stated on the application forms.

1. Who may apply:

a. The City Council, Planning Commission or Planning Director may initiate consideration of a Type VI action at any time. Any person may ask the City Council, Planning Commission or Planning Director to initiate consideration of a Type VI action at any time. Regardless of when they are initiated, under the Growth Management Act actions that include amendments to the comprehensive plan or neighborhood plans may only be considered once a year except as may be allowed by State law.

b. [Unchanged.]

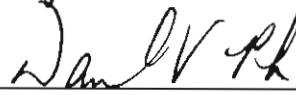
c. [Unchanged.]

PASSED by the Council this 10th day of August, 2009.



Council President

APPROVED by me this 19th day of August, 2009.



Mayor

ATTEST 

Finance Director

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APPROVED AS TO FORM:


Office of the City Attorney

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