

ORDINANCE NO. 2008-08-079

**AN ORDINANCE RELATED TO LAND USE REGULATIONS AND AMENDING BELLINGHAM MUNICIPAL CODE 21.10 PROCEDURES AND ADMINISTRATION TO REQUIRE A MANDATORY PRE-APPLICATION CONFERENCE FOR CERTAIN LAND USE, BUILDING, AND GRADING APPLICATIONS.**

**WHEREAS**, the Planning and Community Development Department has been developing a project management system to improve the City's permit review process; and

**WHEREAS**, a mandatory pre-application conference would further implement the City's new streamlined permitting process and assist applicants in preparing development applications meeting City development standards and permit processing requirements; 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 amendment was sent to the Dept. of Community, Trade and Economic Development on May 9, 2008; and

**WHEREAS**, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on June 19, 2008 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 21.10, the City Council held a public hearing on the proposed code amendment on August 4, 2008; 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:**

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Bellingham, Washington 98225  
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**Section 1.** Bellingham Municipal Code, Section 21.10.170, is hereby amended as follows:

**21.10.170 - Pre-Application Conference.**

**A.** The purpose of a pre-application conference with staff is to assist applicants in preparing development applications for submittal to the City by identifying applicable regulations and procedures. It is not intended to provide an exhaustive review of proposed plans or a staff recommendation on future permit decisions. The Director shall establish the submittal requirements and process for pre-application conferences. A fee may be required if established by the City Council.

**B. Applicability – Land Use Applications.** A pre-application conference is required for the following land use applications unless a written waiver is granted by the Planning Director:

1. Preliminary plat (10 or more lots);
2. General binding site plans;
3. Planned development and institutional site plans;
4. Shoreline substantial development permits, conditional uses and variances;
5. Design review (excluding Type I);
6. Co-housing;
7. Conditional use (excluding bed and breakfast and single family residential uses that do not exceed the thresholds in Subsection C below);
8. Rezones and site specific comprehensive plan amendments;
9. Institutional master plans (including essential public facilities reviewed under IMP process);
10. Critical area permit (excluding Type I);
11. Demonstration housing; or
12. Preliminary short plat requiring a critical area permit.

**C. Applicability – Building and Grading Applications.**

1. A pre-application conference is required for building or grading applications for projects that include any of the following situations unless a written waiver is granted by the Planning Director:
  - a. Required land use permits have not been completed;
  - b. Required SEPA environmental review has not been completed;
  - c. Over 5000 sq. ft. of new or replaced impervious surface;
  - d. Disturbance of more than 1 acre of land;
  - e. Public street or public utility construction; or
  - f. Construction of more than 1 primary building on a lot or any building that is 4 stories or more.

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2. A pre-application conference may be required for any project that the Planning Director determines to be similar in nature to those listed in BMC 21.10.170.C.1.

**D. Submittal.** The Planning Director shall develop submittal requirements and forms for pre-application conferences. A fee may be established by the City Council.

**E. Expiration.** Pre-application review does not vest an application. If a complete application is not submitted within 1 year of the pre-application conference, a new pre-application conference or written waiver is required.

**F. Authority not Affected.** A pre-application conference shall not be construed to constitute permit application, approval or any other decision and shall not affect in any way the City's authority under the provisions of the Bellingham Municipal Code.

**Section 2.** Bellingham Municipal Code, Section 21.10.100, is hereby amended as follows:

**21.10.100 Type I Process: Minor Administrative Decisions.**

**A. Pre-Application Conference.** A pre-application conference is required for certain projects as provided in BMC 21.10.170.

[ "A" through "E" are relabeled "B" through "F" respectively. ]

**Section 3.** Bellingham Municipal Code, Section 21.10.110, is hereby amended as follows:

**21.10.110 Type II Process: Administrative Decisions.**

**A. Pre-Application Conference.** A pre-application conference is required for certain projects as provided in BMC 21.10.170.

[ "A" through "J" are relabeled "B" through "K" respectively. ]

**Section 4.** Bellingham Municipal Code, Subsection 21.10.120.A, is hereby amended as follows:

**21.10.120 Type IIIA and IIIB Processes: Hearing Examiner Decisions.**

**A. Pre-Application Conference.** A pre-application conference is required for certain projects as provided in BMC 21.10.170.

**Section 5.** Bellingham Municipal Code, Subsection 21.10.150.A, is hereby amended as follows:

**21.10.150 Type VI Process: City Council Legislative Decisions.**

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**A. Pre-Application Procedures.** A pre-application conference is required for certain proposals as provided in BMC 21.10.170. A pre-application neighborhood meeting shall be conducted under the procedures of BMC 21.10.180 for site specific comprehensive plan amendments, site specific neighborhood plan amendments and institutional master plans or rezones that require a Type VI process.

**Section 6.** Bellingham Municipal Code, Table 21.10.090.A, is hereby amended as shown on Exhibit A.


**PASSED** by the Council this 11th day of August, 2008.

  
Council President

**APPROVED** by me this 14<sup>th</sup> day of August, 2008.

  
Mayor

**ATTEST:**   
Finance Director

**APPROVED AS TO FORM:**  
  
Office of the City Attorney

Published:

August 15, 2008

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**Exhibit A**

**Bellingham Municipal Code, Table 21.10.090.A**

	<i>Director Ministerial Decision</i>	<i>Director Decisions</i>	<i>Hearing Examiner Decisions</i>	<i>Hearing Examiner Decisions</i>	<i>City Council Final Plat</i>	<i>City Council or Historic Preservation Commission Quasi-judicial Decisions</i>	<i>City Council Legislative</i>	<i>Certificate of Alteration for a property listed on the City of Bellingham's Register of Historic Places</i>	
	Type I See BMC 21.10.170	Type II See BMC 21.10.170	Type IIIA See BMC 21.10.170	Type IIIB See BMC 21.10.170	Type IV	Type V-A Yes	Type V-B No	Type VI See BMC 21.10.170	Type VII No
Pre-application conference required	No	Required for planned developments, institutional site plans, general binding site plans and design review	Required for housing, conditional use and non-conforming use or building decisions	Yes	No	Yes	No	Required for site specific neighborhood plan or comprehensive plan amendments, including those with rezones, and for institutional master plans/amendments	No
Determination of complete application process	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes
Notice of application	No	Yes	Yes	Yes	No	Yes	No	No	Yes



