

**DRAFT**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATED TO LAND USE REGULATIONS, AMENDING BELLINGHAM MUNICIPAL CODE CHAPTER 20.20 AND SECTION 21.10.150.B.1. TO CLARIFY COMPREHENSIVE PLAN AMENDMENT PROCEDURES, ADD DOCKETING CRITERIA, AND REVISE THE DECISION CRITERIA.**

**WHEREAS**, the City has established a process in the Bellingham Municipal Code to docket proposed amendments to the comprehensive plan, including the neighborhood plans, once a year; and

**WHEREAS**, there are currently no criteria in the code for the Planning Commission and City council to use to determine which proposed amendments should be docketed for review in the annual process; and

**WHEREAS**, the criteria in the code to determine which proposals should ultimately be approved are lengthy and sometimes confusing for staff, applicants, the Planning Commission and City Council; and

**WHEREAS**, staff was directed to review and suggest changes to the sections of the BMC related to the annual comprehensive plan amendment process; and

**WHEREAS**, the State Department of Community, Trade and Economic Development was notified of the proposed development regulation amendments on March 25, 2011, and the City has received no comments from the State; and

**WHEREAS**, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act, and a Determination of Nonsignificance was issued on March 25, 2011; and

**WHEREAS**, the Bellingham Planning Commission held a duly noticed public hearing on May 12, 2011 and thereafter adopted Findings of Fact, Conclusions and Recommendations to approve the proposed code amendments; and

**WHEREAS**, after mailed and public notice, the City Council held a public hearing on the proposed code amendments on \_\_\_\_\_, 2011; and

**WHEREAS**, the Council has reviewed and considered the recommendations 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, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BELLINGHAM:**

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

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

**20.20.000 COMPREHENSIVE PLAN AND NEIGHBORHOOD PLAN AMENDMENTS**

**20.20.010 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. The Growth Management Act and subsequent amendments limit changes to comprehensive plans to once a year. As an element of the comprehensive plan, the neighborhood plans are also subject to this limitation. This section explains the processes for amending Bellingham's comprehensive plan, including the neighborhood plans.

**20.20.020 PROCESS**

The annual process to amend the comprehensive plan and/or a neighborhood plan includes two major steps:

A. Placing a proposed amendment on the annual review docket. Only the City Council can place a proposed amendment on the review docket. Establishing the docket is a Type VI process (see BMC 21.10.150.B. for application and procedural requirements). The Planning Commission will use the docketing criteria in BMC 20.20.030 to evaluate the proposal and make a recommendation to the City Council. The City Council will also use the docketing criteria and the recommendations of the Planning Commission to determine which requests are placed on the docket for review in the subsequent year.

B. Once on the annual review docket, a proposed amendment is reviewed using a second Type VI process, including public hearings on the merits before the Planning Commission and the City Council. The process concludes with a decision to approve, modify or deny the request by the City Council, using the criteria in BMC 20.20.060.

**20.20.030 ANNUAL DOCKETING CRITERIA**

A. The City shall use the following criteria in selecting proposals for inclusion in the annual docket of comprehensive plan/neighborhood plan amendments. In order to be included on the annual docket, a proposal must meet the following criteria:

(1) The City has the resources, including staff and budget, necessary to adequately and comprehensively review the proposal; and

(2) The proposal meets one or more of the following criteria:

a. The proposed amendment represents an issue appropriately addressed in the comprehensive plan or in a neighborhood plan;

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

- b. The proposal demonstrates strong potential to serve the public interest by implementing specifically identified goals and policies of the comprehensive plan;
- c. The public interest would be best served by considering the proposal in the next amendment cycle, rather than delaying consideration to a future plan update process;
- d. The amendment addresses changing circumstances, changing community values, or corrects or updates information in the comprehensive plan or a neighborhood plan;  
or
- e. State law requires, or a decision of a court or administrative agency has directed a change to the comprehensive plan or a neighborhood plan.

#### **20.20.040 DECISION CRITERIA**

A. Petitioners requesting amendments to the comprehensive plan and/or a neighborhood plan shall be prepared to offer justification for the request using the following criteria. These criteria will be used by the Planning Commission and City Council to evaluate amendment requests:

1. There exists an error, omission or inconsistency in the pertinent comprehensive plan or neighborhood plan provision; or
2. All of the following criteria have been met:
  - a. The proposed amendment is consistent with the Growth Management Act and other applicable laws;
  - b. The proposed amendment addresses changing circumstances, changing community values, and is consistent with and will help achieve the comprehensive plan goals and policies;
  - c. The proposed amendment will result in long term benefit to the community and is in the community's overall best interests;
  - d. The amendment will not adversely affect the public health, safety or general welfare; and
  - e. If a concurrent rezone is requested, the proposal must also meet the criteria for rezones in BMC 20.19.030.

#### **20.20.060 COMPREHENSIVE PLAN AND NEIGHBORHOOD PLAN AMENDMENT DECISION CRITERIA [Deleted in its entirety.]**

#### **20.20.080 ANNEXED PROPERTY [No Change]**

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

**Section 2.** Bellingham Municipal Code Section 21.10.150.B.1. 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, 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. Any person may submit a request for a non-site-specific amendment to the comprehensive plan or neighborhood plans, no later than December 1 of each year for consideration in the following year.~~

~~c. A property owner or authorized agent of the property owner may submit a request for a site specific amendment to the comprehensive plan or a neighborhood plan, a request for a concurrent rezone and comprehensive plan and/or neighborhood plan amendment or an application for a Type VI institutional master plan or amendment, for a property they own. The request must be submitted no later than December 1 of each year for consideration in the following year.~~

1. Who may apply for those actions requiring a Type VI process, except for comprehensive plan and/or neighborhood plan amendments:

a. The City Council, Planning Commission or Planning Director may initiate consideration of an action requiring a Type VI process at any time. Any person may ask the City Council, Planning Commission or Planning Director to initiate consideration of an action requiring a Type VI process at any time.

2. Who may apply for comprehensive plan and/or neighborhood plan amendments: Comprehensive plan and/or neighborhood plan amendments can only be placed on the annual review docket by the City Council. Establishing the review docket is a Type VI process. Comprehensive plan/neighborhood plan amendments are divided into two categories: site specific and non-site specific.

a. Non-Site Specific Amendments. Any person may submit an application to have a non-site specific amendment placed on the review docket to be considered in the subsequent year. All docket requests must be submitted no later than April 1 of each year.

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903

b. Site Specific Amendments. Only a property owner or authorized agent of the property owner may submit an application to have a site specific amendment to the comprehensive plan or a neighborhood plan, a request for a site specific comprehensive/neighborhood plan amendment and concurrent rezone, or a request for a Type VI institutional master plan or IMP amendment placed on the review docket for consideration in the subsequent year. All docket requests must be submitted no later than April 1 of each year.

c. City staff proposed amendments to the comprehensive plan and/or neighborhood plans can be added to the docket by the City Council at any time as long as the Council finds that the proposal meets the docketing criteria in BMC 20.20.030.

**PASSED** by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Council President

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor

**ATTEST:** \_\_\_\_\_

Finance Director

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Office of the City Attorney

**Published:**  
\_\_\_\_\_

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-676-6903