

PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date		Staff Contact	
5/12/2011		GREG AUCUTT	
Subject:			
Proposed changes to BMC Chapter 20.20 and BMC Section 21.10.150 related to the annual comprehensive plan amendment docketing and review process.			
Attachments:			
1. Staff Report			
2. Draft Findings of Fact document			
3. Draft Ordinance			
4.			
5.			
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
Jeff Thomas, Interim Director		<i>[Signature]</i>	4-22-2011
Alan Marriner, Legal		<i>AM</i>	4/22/11
Previous Commission Meeting or Action:			
Recommended Action:			
Recommend approval of the amendment to the City Council and adopt the attached Findings of Fact, Conclusions and Recommendations.			

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CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	<i>Annual Comprehensive Plan Amendment Process – Docketing, Process and Decision Criteria Amendments</i>
For:	<i>May 12, 2011 Planning Commission Public Hearing</i>
Staff Contact:	<i>Greg Aucutt, Senior Planner</i>

I. SUMMARY OF PROPOSAL

Staff proposes to amend the Bellingham Municipal Code Title 20 and Title 21 code sections dealing with the process for docketing annual comprehensive plan/neighborhood plan amendments and the criteria used to evaluate such proposals. The intent of the amendments is to:

- Clarify the process used to establish the annual “docket” of comprehensive plan and neighborhood plan amendments. (*The term docket is simply a list of proposed amendments that have been approved by the City Council to be reviewed in the annual review process.*)
- Establish criteria to be used to determine which proposals are appropriate to be placed on the review docket. There are currently no docketing criteria in the code.
- Revise the existing criteria used to determine whether or not a plan amendment proposal should ultimately be approved or denied by the City Council. Currently there are two sets of criteria in the code and this has sometimes caused confusion for applicants and reviewing bodies.
- Change the deadline for submitted docketing requests to April 1 (*currently Dec. 1*) and change the annual review process from a calendar year cycle to a mid-year to mid-year cycle.

Specifically, the proposed amendments would:

1. Amend BMC 20.20.000 to add two new sections – (.020) a docketing process explanation and (.030) criteria to be used by staff, the Planning Commission and City Council to help determine which proposals are included for review in the annual comprehensive plan/neighborhood plan amendment process.
2. Amend BMC 20.20.060 to revise the criteria used by staff, the Planning Commission and City Council to determine whether or not a comprehensive plan/neighborhood plan amendment proposal should be approved or denied.
3. Amend BMC 21.10.150.B.1 to clarify the procedures for docketing comprehensive plan/neighborhood plan amendments and other Type VI actions. Also change the due date for proposed amendments from December 1 to April 1.

(*See section IV of this report for a detailed analysis of the proposed amendments.*)

1 **II. PLANNING COMMISSION ROLE**

2
3 The proposal before the Planning Commission includes development code amendments
4 requiring a Type VI legislative process. The Planning Commission must hold a public hearing
5 and issue findings of fact and conclusions with a recommendation to the City Council. Draft
6 findings of fact and conclusions are included at the end of this staff report. The Council will also
7 hold a public hearing and thereafter determine whether or not the proposed code changes
8 should be approved, modified or denied.

9
10 **III. BACKGROUND**

11
12 The State Growth Management Act limits amendments to a comprehensive plan to once a year.
13 A process to establish an annual "docket" of proposed amendments was established after the
14 comprehensive plan was last updated in 2006. Initially, only the City Council reviewed
15 proposals seeking to be placed on the annual review docket. In 2009, the code was changed to
16 require a full Type VI process for establishing the annual review docket. A Type VI process
17 requires a hearing before the Planning Commission and City Council prior to the establishment
18 of the annual review docket, giving the Council ultimate jurisdiction over which items would be
19 reviewed as part of the annual amendment process.

20
21 Now that the Type VI process has been used for docketing consideration for two years, staff is
22 recommending several code changes. Both the Planning Commission and the City Council
23 have, at various times, expressed frustration at the lack of criteria in the code that might help
24 determine which amendments are appropriate for docketing. More recently, the City Council
25 directed staff to include in the package of amendments two additional changes – revising the
26 annual review cycle and clarifying the plan amendment review criteria.

27
28 **IV. PROPOSED AMENDMENTS - STAFF ANALYSIS**

29
30 The proposed amendments to the annual comprehensive plan/neighborhood plan amendment
31 process are discussed in more detail in this section. All proposed amendments are shown in
32 legislative format, with new text underlined and deleted text ~~crossed-out~~.

33
34 ***Proposed Amendment #1 - BMC Section 20.20.000, Comprehensive Plan and***
35 ***Neighborhood Plan Amendments***

36
37 **Discussion:** This existing section of the Land Use Code defines the annual amendment
38 process. Staff proposes to add a new section (see .020 below) to recognize that the process
39 has two major steps: 1) docketing; and 2) final review. The intent of the change is to help
40 participants and the public understand that docketing is only the first step in the amendment
41 process. Once docketed, there is a second round of hearings on the merits of the proposal.
42 The lack of a clear explanation in the code that defines the process has caused some confusion
43 in the past.

44
45 Staff also proposes new language that alerts applicants and the public to the proposed new
46 docketing review criteria (see proposed amendment #2, beginning on page 3).

47
48 **Staff Recommended Changes:** The new section proposed by staff to clarify the procedure for
49 comprehensive plan/neighborhood plan amendments begins on the next page.
50
51

1 **20.20.020 PROCESS (new section)**
2

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

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

12
13 B. Once on the annual review docket, a proposed amendment is reviewed using a second
14 Type VI process, including public hearings on the merits before the Planning Commission
15 and the City Council. The process concludes with a decision to approve, modify or deny the
16 request by the City Council, using the criteria in 20.20.060.

17
18 ***Proposed Amendment #2 - Section 20.20.030, Comprehensive Plan and Neighborhood***
19 ***Plan Amendments – Docketing Criteria***
20

21 **Discussion:** Staff proposes adding a new section that has criteria to be used by staff, the
22 Planning Commission and City Council to help determine which of the proposed amendments
23 are appropriate for docketing in a given year. The intent is to standardize the process and help
24 the Commission and Council make docketing decisions based on a common set of criteria.
25

26 Staff developed the criteria with the intent that the first criteria **MUST** be met before a proposal
27 can be further considered for docketing. The first criteria deals with the City's ability to review
28 the proposal within the time frame of the annual review process. Comprehensive plan and
29 neighborhood plan amendments can be complicated and sometimes controversial proposals
30 with significant potential impacts to surrounding areas. These proposals can raise policy issues,
31 traffic and circulation issues, environmental issues, and architectural and site design issues that
32 must be analyzed. The first docketing criteria is therefore intended to address staff resource
33 issues. It should be demonstrated that there are staff and budget resources available to
34 perform the kind of in-depth review that provides the Planning Commission and City Council
35 with the information and analysis needed to make informed decisions. Absent the necessary
36 resources, a proposal should not be docketed.
37

38 Once criteria #1 is met, a proposal must demonstrate that it meets one or more of the other
39 docketing criteria. The other criteria are intended to determine whether or not:
40

- 41 • the proposed amendment raises an issue or issues appropriately addressed in the
- 42 comprehensive plan or a neighborhood plan; and/or
- 43 • the annual amendment process is the appropriate forum to address the proposal (as
- 44 opposed to waiting for a full update to either the comprehensive plan or a neighborhood
- 45 plan, for example); and/or
- 46 • the proposal is in the public interest; and/or
- 47 • the proposal will implement goals and policies in the comprehensive plan; and/or
- 48 • the proposal addresses changing circumstance or changed community values; and/or
- 49 • the proposal relates to a change in state law or the decision of a court.
50

1 **Staff Recommended Changes:** The new section proposed by staff to add docketing criteria
2 follows:

3
4 **20.20.030 ANNUAL DOCKETING CRITERIA (new section)**

5
6 A. The City shall use the following criteria in selecting proposals for inclusion in the annual
7 docket of comprehensive plan/neighborhood plan amendments. In order to be included on the
8 annual docket, proposals must meet subsection 1 before any further consideration will take
9 place.

10
11 (1) The City has the resources, including staff and budget, necessary to comprehensively
12 review the proposal.

13
14 (2) Provided the City has the necessary resources to review and analyze the proposal,
15 applications meeting one or more of the following criteria should be docketed for
16 consideration in the annual plan amendment process:

17
18 a. The proposed amendment represents an issue appropriately addressed in the
19 comprehensive plan or in a neighborhood plan.

20
21 b. The proposal demonstrates strong potential to serve the public interest by
22 implementing specifically identified goals and policies of the comprehensive plan.

23
24 c. The public interest would be best served by considering the proposal in the next
25 amendment cycle, rather than delaying consideration to a future plan update process.

26
27 d. The amendment addresses changing circumstances, changing community values, or
28 corrects or updates information in the comprehensive plan or a neighborhood plan.

29
30 e. State law requires, or a decision of a court or administrative agency has directed a
31 change to the comprehensive plan or a neighborhood plan.

32
33
34 ***Amendment #3 - Section 20.20.060, Comprehensive Plan and Neighborhood Plan***
35 ***Amendments, Decision Criteria***

36
37 **Discussion:** The Land Use Code currently has “factors” and “criteria” that are used to
38 determine whether or not a proposed amendment to the comprehensive plan or a neighborhood
39 plan should be approved or denied. Applicants, the Commission and City Council have, at
40 times, struggled with understanding and applying the existing code language. The criteria are
41 long, sometimes duplicative, and not as clear as they perhaps should be.

42
43 **Staff Recommendation:** Staff is proposing to address these issues by replacing the current
44 factors and criteria with a single set of decision criteria as shown below.

45
46 **20.20.060 DECISION CRITERIA**

47
48 A. Petitioners requesting amendments to the comprehensive plan and/or a neighborhood plan
49 shall be prepared to offer justification for the request using the following criteria. These criteria
50 will be used by the Planning Commission and City Council to evaluate amendment requests:
51

- 1 1. There exists an error, omission or inconsistency in the pertinent comprehensive plan or
 2 neighborhood plan provision; or
- 3
- 4 2. The following criteria have been met:
- 5
- 6 a. The proposed amendment is consistent with the Growth Management Act and
 7 other applicable laws; and
- 8
- 9 b. The proposed amendment addresses changing circumstances, changing
 10 community values, or is consistent with and will help achieve the comprehensive
 11 plan goals and policies; and
- 12
- 13 c. The proposed amendment will result in long term benefit to the community and is in
 14 the community's overall best interests; and
- 15
- 16 d. The amendment will not adversely affect the public health, safety or general
 17 welfare.
- 18
- 19 e. If a concurrent rezone is requested, the proposal must also meet the criteria for
 20 rezones in BMC 20.19.030.
- 21

22 Another option (originally suggested by Councilmember Michael Lilliquist) is to keep the existing
 23 factors and criteria and simply amend criteria D.1 as follows:
 24

25 **D. (1)** The proposed amendment bears a substantial relation to will not adversely
 26 affect the public health, safety, and welfare;

27
 28 The current text would be deleted as shown below:

29
 30 **~~20.20.060 COMPREHENSIVE PLAN AND NEIGHBORHOOD PLAN AMENDMENTS~~**
 31 **~~DECISION CRITERIA~~**

32 ~~A. — The Planning Commission and City Council must carefully evaluate requests to amend~~
 33 ~~the comprehensive plan and neighborhood plans to determine if approval of the amendment~~
 34 ~~would result in a clear public benefit and satisfy the criteria in BMC 20.20.060.D. The factors~~
 35 ~~listed in BMC 20.20.060.C should also be considered in reviewing such requests.~~

36
 37 ~~B. — Public Hearing. The Commission, in holding the public hearing, shall listen to all~~
 38 ~~relevant arguments for, against, or neutral to the request. The Planning Director, or authorized~~
 39 ~~representative, shall make an investigation and present written recommendations on each~~
 40 ~~proposed comprehensive plan or neighborhood plan amendment. Such recommendations shall~~
 41 ~~be available for review by the Planning Commission and interested citizens 15 days prior to the~~
 42 ~~initial Commission hearing and shall become part of the official record.~~

43
 44 ~~The petitioner shall be prepared to offer justification for the plan amendment request. In~~
 45 ~~preparing the justification, the petitioner is advised to consider the criteria in BMC 20.20.060.D~~
 46 ~~and the factors in BMC 20.20.060.C. These criteria and factors will be used by the Planning~~
 47 ~~Commission and City Council to evaluate requests for comprehensive plan and neighborhood~~
 48 ~~plan amendments.~~

1 If for any reason, testimony cannot be completed on the day set for such hearing, the person
2 presiding at such hearing shall, before adjournment or recess thereof, publicly announce the
3 time and place such hearing shall be continued to, and no further notice is required.
4

5 In forwarding a recommendation to City Council, the Planning Commission shall include written
6 findings of fact and conclusions that address the criteria and factors contained in this Section
7 and any other information, facts, or conclusions that led to the Commission recommendation.
8

9 **C.** The following factors should be considered when reviewing comprehensive plan and
10 neighborhood plan amendment proposals:

- 11 (1) Is the proposed amendment to the plan supported by or consistent with the
12 existing goals and policies of the comprehensive plan and the State Growth
13 Management Act?
14
- 15 (2) Have circumstances changed sufficiently since the adoption of the
16 comprehensive plan and/or neighborhood plan to justify the proposed change? If
17 so, the circumstances that have changed should be described in sufficient detail
18 so that a finding of changed circumstances can be made and a decision as to
19 appropriateness of the proposed neighborhood plan amendment can be reached
20 based on information in the record.
21
- 22 (3) Have the underlying assumptions found in the comprehensive plan and/or
23 neighborhood plan upon which the land use designation, density or other
24 provisions are based changed, or is new information available which was not
25 considered at the time the plan was adopted? If so, the changed assumptions or
26 new information should be described in sufficient detail to enable the Planning
27 Commission and City Council to find that the land use designation or other
28 sections of the plan should be changed. Examples of the underlying
29 assumptions include expected population growth, utility or roadway capacities,
30 available land supply, or demand for land with the existing or proposed land use
31 designation.
32
- 33 (4) Does the proposed amendment promote a more desirable land use pattern for
34 the community as stated in the goals and policies in the comprehensive plan?
35 Are there environmental constraints (such as wetlands, steep slopes, significant
36 stands of trees, etc.) present on the site to such a degree that development of
37 the site is economically or physically unfeasible under the existing land use
38 designation? If so, a description of the qualities of the proposed plan
39 amendment that would make the land use pattern more desirable and/or would
40 result in less environmental impact should be provided in sufficient detail to
41 enable the Planning Commission and City Council to find that the proposed
42 neighborhood plan amendment is in the community's long term best interest.
43
- 44 (5) What impacts would the proposed amendment to the plan have on the current
45 use of other properties in the vicinity? What measures should be taken to ensure
46 compatibility with the uses of other property in the area?
47

48 **D. Criteria.** The City may amend the comprehensive and/or neighborhood plan only if it
49 finds that:

- ~~(1) The proposed amendment bears a substantial relation to public health, safety, and welfare;~~
- ~~(2) The proposed amendment is consistent with the Growth Management Act;~~
- ~~(3) The proposed amendment is consistent with the countywide planning policies;~~
- ~~(4) The comprehensive plan will be internally consistent; and~~
- ~~(5) The proposed amendment will result in long term benefits to the community as a whole and is in the best interest of the community.~~

Amendment #4 - BMC Section 21.10.150 Type VI Process, City Council Legislative Decisions

BMC Title 21 includes the different types of land use permits and actions, from Type I to Type VII. Comprehensive plan and neighborhood plan amendments are classified as "Type VI" decision. Other Type VI actions include:

- Docketing and review of comprehensive plan and neighborhood plan amendments
- Development regulation amendments
- Institutional Master Plans and amendments
- Planned Action ordinances
- Legislative rezones
- Historic district designations

Staff Recommendation: Changes to section 21.10.150 of the code are suggested by staff to clarify the procedures for docketing comprehensive plan/neighborhood plan amendments as distinct from other Type VI actions. Also, in response to a request by the City Council, the due date for submitting proposed comprehensive/neighborhood plan amendments would change from December 1 to April 1.

Subsection B.1 governs who can apply for a Type VI action. Staff proposes to delete this section:

B.1. Who may apply:

~~a. The City Council, Planning Commission or Planning Director may initiate consideration of a Type VI process 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 may only be considered once a year except as 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 amendment and/or a neighborhood plan amendment or an application for a Type VI institutional master plan or amendment for property they own. The request must be submitted no later than December of each year for consideration in the following year.~~

1 And replace it with the following:
2

3 1. Who may apply - for those actions requiring a Type VI process, except for comprehensive
4 plan and/or neighborhood plan amendments:
5

6 a. The City Council, Planning Commission or Planning Director may initiate consideration of
7 a Type VI process at any time. Any person may ask the City Council, Planning
8 Commission or Planning Director to initiate consideration of a Type VI process at any time.
9

10 2. Who may apply - comprehensive plan and /or neighborhood plan amendments.
11 Comprehensive plan and/or neighborhood plan amendments can only be placed on the annual
12 review docket by the City Council. Establishing the review docket is a Type VI process.
13 Comprehensive plan/neighborhood plan amendments are divided into two categories: site
14 specific and non-site specific.
15

16 a. Non Site Specific Amendments. Any person may submit an application to have a non-
17 site specific amendment placed on the review docket to be considered in the subsequent
18 year. All docket requests must be submitted no later than April 1 of each year.
19

20 b. Site Specific Amendments. Only a property owner or authorized agent of the property
21 owner may submit an application to have a site specific amendment to the comprehensive
22 plan or a neighborhood plan, a request for a site specific comprehensive/neighborhood
23 plan amendment and concurrent rezone, or a request for a Type VI institutional master plan
24 or IMP amendment placed on the review docket for consideration in the subsequent year.
25 All docket requests must be submitted no later than April 1 of each year.
26

27 c. City staff proposed amendments to the comprehensive plan and/or neighborhood plans
28 can be added to the docket by the City Council at any time as long as the Council finds that
29 the proposal meets the docketing criteria in BMC 20.20.030.
30

31 **Discussion:** The intent of the proposed changes is to Subsection 1. is to identify the process of
32 applying for docketing of a comprehensive plan or neighborhood plan amendment as distinct
33 and different from applying for other Type VI actions.
34

35 The intent of the proposed changes to Subsection a. is to make clear that the City Council,
36 Planning Commission or Planning Director can initiate consideration of a Type VI action at any
37 time EXCEPT for comprehensive plan/neighborhood plan amendments.
38

39 For comprehensive plan and neighborhood plan amendments (Subsection 2), the new text is
40 intended to make clear that only the City Council can place proposals on the annual review
41 docket, that establishing the docket is a Type VI process, and that these proposals fall into two
42 categories – site specific and non-site specific.
43

44 Subsection a. and b. describe who can apply for these two types of comprehensive plan and
45 neighborhood plan amendments. Specifically, anyone can apply to have a non-site specific
46 amendment considered for docketing. For site specific amendments, only a property owner or
47 authorized agent can ask to have a proposed amendment docketed for review in the annual
48 process.
49

50 Both subsections a. and b. also make clear that all applications for docketing consideration must
51 be submitted by April 1 (the current deadline is Dec. 1). The new deadline would allow the City

1 to process proposals in a mid-year to mid-year cycle. So for example, proposals submitted by
2 April 1, 2012 would be considered for docketing during April-June 2012. The docket would be
3 established by the end of June 2012. The City would then have one year to process all the
4 docketed proposals. The effect is that the process would end with a City Council decision at the
5 end of June instead of the end of December as is the process now. The Council requested this
6 change so that they would not have to review comprehensive plan amendments in the fall at the
7 same time as they are reviewing the annual budget. The other potential benefit of this change is
8 that it would allow more time for the Council to review the proposals if needed.

9
10 The intent of Subsection c. is to allow the City Council to add staff-initiated amendments to the
11 docket after the April 1 deadline, provided the proposed amendment meets the docketing
12 criteria.

13 14 **V. PUBLIC COMMENT**

15
16 Notice of the proposed amendments was posted on the City's web site on April 7, 2011. It was
17 published in the Bellingham Herald and sent to all recognized neighborhood association
18 representatives and the Mayor's Neighborhood Advisory Commission. This staff report was
19 posted on the City's web site on April 28. To date, no public comments have been received.

20
21 On March 25, 2011, the proposed amendments were sent to the Department of Commerce for
22 review as required by the Growth Management Act (RCW 36.70A.106). No comments were
23 made by the State.

24 25 **VI. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

26
27 The proposed code amendments were reviewed as a non-project action under SEPA. A
28 Determination of Nonsignificance was issued for the proposed amendments on March 25, 2011.

29 30 **VII. STAFF RECOMMENDATION**

31
32 Staff recommends approval of the amendments to Title 20 and Title 21 sections regarding the
33 annual comprehensive plan/neighborhood plan amendment process as outlined in Section IV of
34 this report.

35 36 **VIII. PLANNING COMMISSION RECOMMENDATION**

37
38 This section will be added after the Planning Commission holds a public hearing and makes
39 their recommendations. The Commission's recommendations will be detailed in the attached
40 Findings of Fact, Conclusions and Recommendations document.

1 **BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT,**
2 **CONCLUSIONS, AND RECOMMENDATIONS**

3
4 **BMC TITLE 20 AND 21 COMPREHENSIVE PLAN/NEIGHBORHOOD PLAN**
5 **ANNUAL AMENDMENT PROCESS REVISIONS**

6
7 **MAY 12, 2011**
8
9

10 **SUMMARY**

11
12 The staff initiated proposal includes amendments to BMC Title 20 and Title 21 code sections
13 dealing with the process for docketing annual comprehensive plan/neighborhood plan
14 amendments and the decision criteria used to evaluate such proposals. The intent of the
15 amendments is to:

- 16
17 • Clarify the process used to establish the annual docket of comprehensive plan
18 amendments.
19
20 • Establish criteria to be used to determine which proposals are appropriate to be placed
21 on the docket. There are currently no review criteria in the code.
22
23 • Revise the criteria used to determine whether or not a plan amendment proposal should
24 ultimately be approved or denied by the City Council. Currently there are two sets of
25 criteria in the code, sometimes causing confusion for applicants and reviewing bodies.
26
27 • Change the annual process from a calendar year amendment cycle to a mid-year to
28 mid-year cycle.
29
30

31 **I. FINDINGS OF FACT**

32
33 **1. Proposal Description -**

34
35 The proposal includes:

- 36
37 1. Amend BMC 20.20.000 to add two new sections – (.020) a docketing process
38 explanation and (.030) criteria to be used by staff, the Planning Commission and City
39 Council to help determine which proposals are included for review in the annual
40 comprehensive plan/neighborhood plan amendment process.
41
42 2. Amending BMC 20.20.060 to revise the criteria used by staff, the Planning Commission
43 and City Council to determine whether or not comprehensive plan/neighborhood plan
44 amendment proposal should be approved or denied.
45
46 3. Amending BMC 21.10.150.B.1 to clarify the procedures for docketing comprehensive
47 plan/neighborhood plan amendments and other Type VI actions. Also change the due date
48 for proposed amendments from December 1 to April 1.
49
50

1 **2. Background Information/Procedural History -**
2

3 A process to establish an annual "docket" of proposed amendments was established after the
4 city's comprehensive plan was last updated in 2006. Initially, only the City Council reviewed
5 proposals seeking to be placed on the annual review docket. In 2009, the code was changed to
6 require a full Type VI process for establishing the annual review docket. The new process is
7 used in the 2010 and 2011 docketing process.
8

9 Both the Planning Commission and the City Council have, at various times, expressed
10 frustration at the lack of criteria in the code that might help determine which amendments are
11 appropriate for docketing. More recently, the City Council directed staff to review the docketing
12 process and consider at least two changes – revising the annual review cycle and clarifying the
13 plan amendment review criteria.
14

15 In February 2011, began internally reviewing the docketing process. This review, and our
16 experience with the docketing process in 2010 and 2011, resulted in staff proposing a package
17 of amendments.
18

19 On March 25, 2011 environmental review of the proposed amendments was completed and the
20 City issued a Determination of Nonsignificance. The comment period for the SEPA review
21 ended on April 8. No comments were received.
22

23 On March 25, 2011, the State Department of Commerce was notified of the proposed code
24 amendments as is required by the state Growth Management Act under RCW 36.70A.106.
25

26 On April 7, 2011, notice of the Planning Commission public hearing was sent to recognized
27 neighborhood association representations and members of the Mayor's Neighborhood Advisory
28 Commission. Notice was also posted on the City's web site. The notice was published in the
29 Bellingham Herald on April 10.
30

31 On April 28, the staff report was posted on the City's web site.
32

33 On May 12, 2011 the Planning Commission held a public hearing on the proposal.
34

35 **3. Public Comment -**
36

37 No public comments were received prior to the Planning Commission public hearing. Testimony
38 received at the public hearing will be summarized here.
39
40
41

42 **II. CONCLUSIONS**
43

44 Based on the staff report and the information presented at the public hearing, the Planning
45 Commission concludes:
46

- 47 1. The proposed amendments to the BMC Title 20 and Title 21 sections regarding the annual
48 comprehensive plan amendment docketing and review processes are timely and
49 appropriate. The changes will help clarify and standardize the docketing process, provide
50 new criteria for evaluation of docketing requests, and clarify the criteria used by the Planning
51 Commission and City Council to approve, modify or deny amendment proposals.

- 1 2. The proposed addition of the docketing criteria will help ensure that sufficient budget and
2 staff resources are available to perform the kind of in-depth review that provides the
3 Planning Commission and City Council with the information and analysis needed to make
4 informed decisions. Absent the necessary resources, a proposal should not be docketed as
5 this would create unrealistic expectations from applicants, reviewing bodies and the public.
6
7 3. The proposed changes will clarify the procedural differences between comprehensive
8 plan/neighborhood plan amendments and other Type VI actions.
9
10 4. The proposed change to the docketing application process is will ensure that site-specific
11 amendments have the support of the property owner or an authorized agent.
12
13 5. The proposed changes to the annual review cycle will provide additional flexibility, especially
14 for the City Council, in providing sufficient time to review proposals.
15
16

17 III. RECOMMENDATIONS

18
19 Based on the findings and conclusions, the Bellingham Planning Commission recommends that
20 the City Council approve the proposed amendments Title 20 and Title 21 as proposed by staff
21 and in Section IV of the staff report and shown in the attached ordinance (see Attachment 1).
22
23

24 **ADOPTED this 12TH day of May, 2011.**

25
26
27
28 _____
29 *Planning Commission Chairperson*

30
31
32 **ATTEST:** _____
33 *Recording Secretary*

34
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37 **APPROVED AS TO FORM:**

38
39
40 _____
41 *City Attorney*
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