

T H E waterfront DISTRICT

BELLINGHAM  WASHINGTON



Waterfront District Permitting Handbook

Planning & Community Development Department 2014



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DISTRICT
BELLINGHAM  WASHINGTON

Thank you for considering investing in Bellingham's Waterfront District. We are working together to transform this formerly industrial area into a property that will provide new parks, housing, jobs and opportunities for future generations. It's not often a community has the opportunity to redevelop a site of this scale alongside a vibrant Downtown core and a beautiful waterfront. We are fortunate to have this opportunity to work with you and others to create a high-quality, healthy place.

The City and Port understand that building and investing in redevelopment areas can be complicated. We have worked together to establish regulatory documents that provide a predictable and timely process for developers and are consistent with the community's vision for the Waterfront District. More importantly the Port and City are making their own investments and launching their own projects in the Waterfront District so that our public investments will attract private developers who will work with us as we move this community vision to reality. The Port purchased a large portion of the site and is leading the environmental cleanup and the City is investing in streets, utilities and parks.

We hope this handbook will be helpful as you consider developing in the Waterfront District. We created it to provide guidance and direction during the feasibility phase of your development, so that you can streamline permit processing of projects that are consistent with the regulations. This handbook summarizes the permitting procedures for development within the Waterfront District for developers, investors, consultants and contractors. It also will make you aware of the plans and studies already in place for the Waterfront District.

In addition to this handbook, pre-application conferences, hosted by the City, will give applicants essential information prior to final design and application submittal. For further assistance, please contact the City's Permit Center by phone (360) 778-8300 or by email at permits@cob.org or the City's Waterfront Project Manager by phone (360) 778-8100 or by email at mayorsoffice@cob.org.

The Port is the primary contact for sale and/or lease of port-owned property and environmental cleanup and can be reached at (360) 676-2500 or by email at info@portofbellingham.com. Properties are available for a wide range of uses, including retail, entertainment, office, residential, manufacturing and shipping.

Welcome to the Waterfront District. We look forward to working with you to deliver a thriving District that will enhance our community and your business.

Sincerely,



Kelli Linville

Mayor, City of Bellingham



Rob Fix

Executive Director, Port of Bellingham



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Purpose

The Waterfront District is a long-term project to redevelop a brownfield industrial site on Bellingham’s central waterfront into a vibrant mixed use neighborhood that will include new roads, parks, public facilities, jobs, housing, and the restoration of three miles of shoreline for habitat and public access. The City of Bellingham (city) and Port of Bellingham (port) have established a partnership to ensure long-term cooperation in the phased installation of public infrastructure and environmental clean-up. The city and port are committed to providing prospective developers and the community with an efficient permitting process that provides predictability and carries out the vision of the Waterfront District Subarea Plan.

The purpose of this handbook is to provide information about the Waterfront District site conditions, infrastructure phasing, development regulations, permitting procedures, and points of contact for Waterfront District developers.

The Waterfront District

The Waterfront District Sub-Area Plan is the vision and policy document that provides a framework for future development of the 237

acre site. The Waterfront District Development Regulations, Design Standards, Shoreline Master Program, State Environmental Policy Act (SEPA) - Planned Action Ordinance (PAO), Development Agreement and Interlocal Agreement for Facilities provide the details regarding development opportunities and conditions, and further define the commitments of the city and port to provide infrastructure and prepare the area for development. The sub-area plan, development regulations and related documents are available on the Waterfront District page of the city’s website, www.cob.org.

City and Port Development Agreement

The city and port entered into a Development Agreement to facilitate the redevelopment of the Waterfront District. Generally, the Development Agreement contains vesting, use, and mitigation provisions to provide certainty for this long-term effort. The agreement provides predictability and certainty as to maximum building areas by development phases, and includes provisions to ensure that affordable housing and a mix of land uses are developed (Table 1). The agreement also identifies

The anticipated build-out of the Waterfront District is described in the table below.

Table 1

Development Area	2012 Existing Development	Building Square Footage: New / Cumulative				
		Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
North of Whatcom Waterway ¹	350,000	50,000/ 400,000	50,000/ 450,000	50,000/ 500,000	200,000/ 700,000	800,000/ 1,500,000
South of Whatcom Waterway ²	220,500	500,000/ 720,500	500,000/ 1,220,500	600,000/ 1,820,500	600,000/ 2,420,500	1,379,500/ 3,800,000
Cumulative Total Sq ft	570,500	1,120,500	1,670,500	2,320,500	3,120,500	5,300,000

¹Marine Trades Development Area

²Downtown Waterfront, Log Pond, Shipping Terminal and Cornwall Beach Development Areas

park and traffic impact fee exemptions and credits, establishes a streamlined environmental review process for projects consistent with the adopted PAO and Environmental Impact Statement (EIS), and cross-references a number of provisions related to infrastructure installation and environmental clean-up, which are further addressed in the Interlocal Agreement for Facilities. The Development Agreement is available on the Waterfront District page of the city's website, www.cob.org.

Infrastructure

The Interlocal Agreement for Facilities delineates responsibilities and timelines for the city and port to provide public infrastructure and complete environmental remediation of six (6) sites. The city and port have committed to investing in the essential infrastructure (arterial transportation systems, utility mains, parks, environmental clean-up) to serve each phase of Waterfront District development as shown on Figures 1 and 2, and further described in the Interlocal Agreement. Developers will be required to develop local streets, alleys, sidewalks, utilities, and stormwater systems to serve their development and connect to arterial infrastructure. The Interlocal Agreement for Facilities is available on the Waterfront District page of the city's website, www.cob.org.

Environmental Clean-up

Most of the Waterfront District is built on tidelands, which have been dredged and filled to support over 100 years of heavy industrial waterfront activity. These historic activities have impacted portions of the Waterfront District with soil, groundwater, and/or sediment contamination caused by historic releases

of hazardous substances. Cleanup of these contaminated properties is regulated by the Washington State Department of Ecology (DOE) under the Model Toxics Control Act (MTCA). There are six state-listed cleanup sites within the Waterfront District (Figure 3). The city and port are working with DOE to define cleanup actions that will meet environmental cleanup requirements under MTCA.

The city and port will complete cleanup activities under legal agreements with DOE (agreed orders or consent decrees). These agreements will include institutional controls or restrictive covenants that will maintain the integrity of the cleanup over time, and provide detailed information on post-cleanup requirements. Although the cleanup actions completed by the city and port will remove and/or treat some areas of contamination, it is anticipated that some areas with soil and/or groundwater contamination will be capped in place.

Planned Action Ordinance

A PAO is an environmental review procedure adopted under the authority of SEPA to identify the impacts and mitigation for a proposed development project in advance to increase the certainty and predictability of environmental requirements during project permit review. During the extensive planning process of the Waterfront District, the port completed an EIS that identifies the potential environmental impacts and mitigation measures required when the Waterfront District is fully developed. The PAO incorporates the mitigating conditions identified in the EIS and established environmental review procedures for development projects.

A project proponent applies to the city to determine if a proposal meets the PAO requirements.

Waterfront District Infrastructure Improvements: PHASES 4 & 5

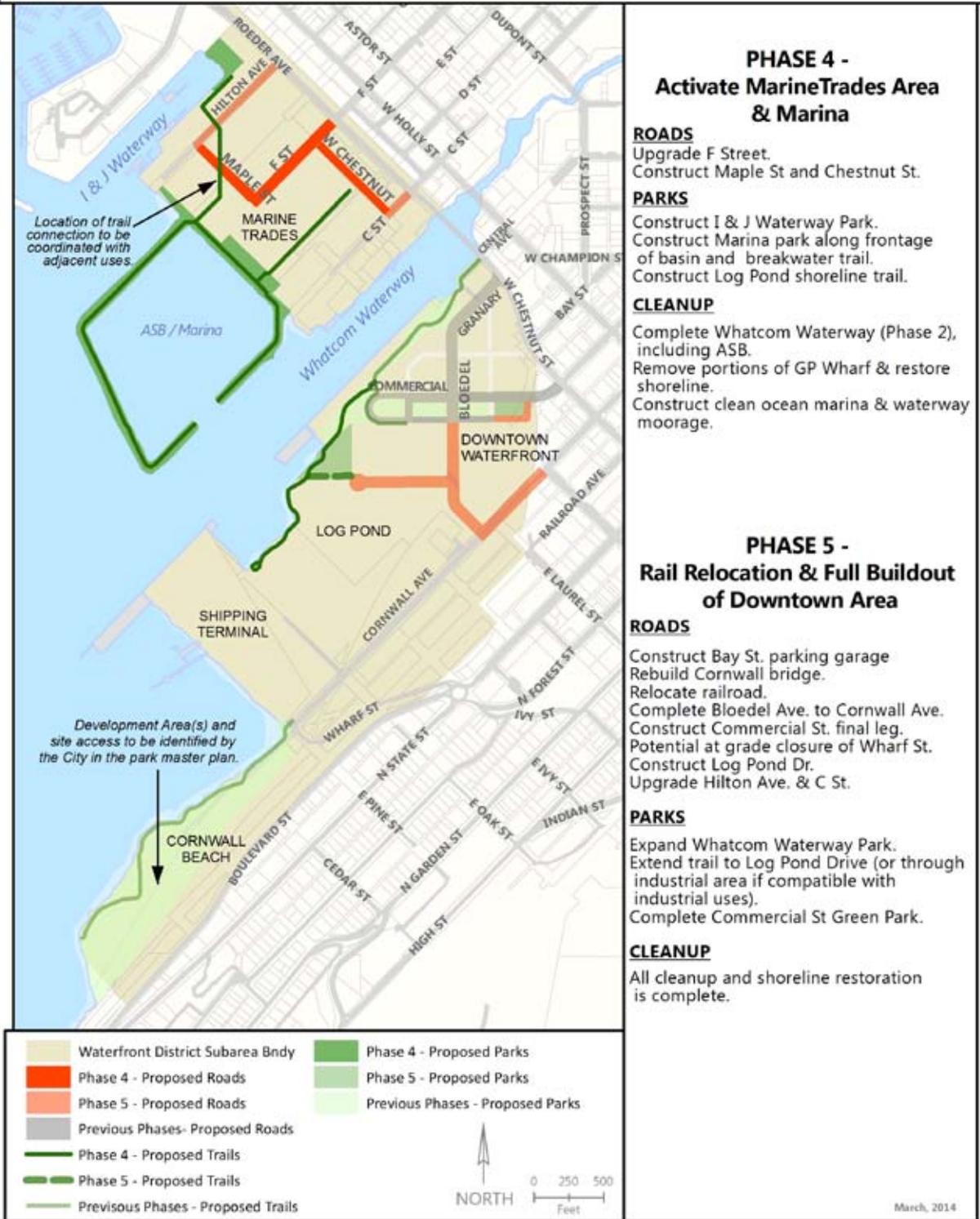


Figure 2

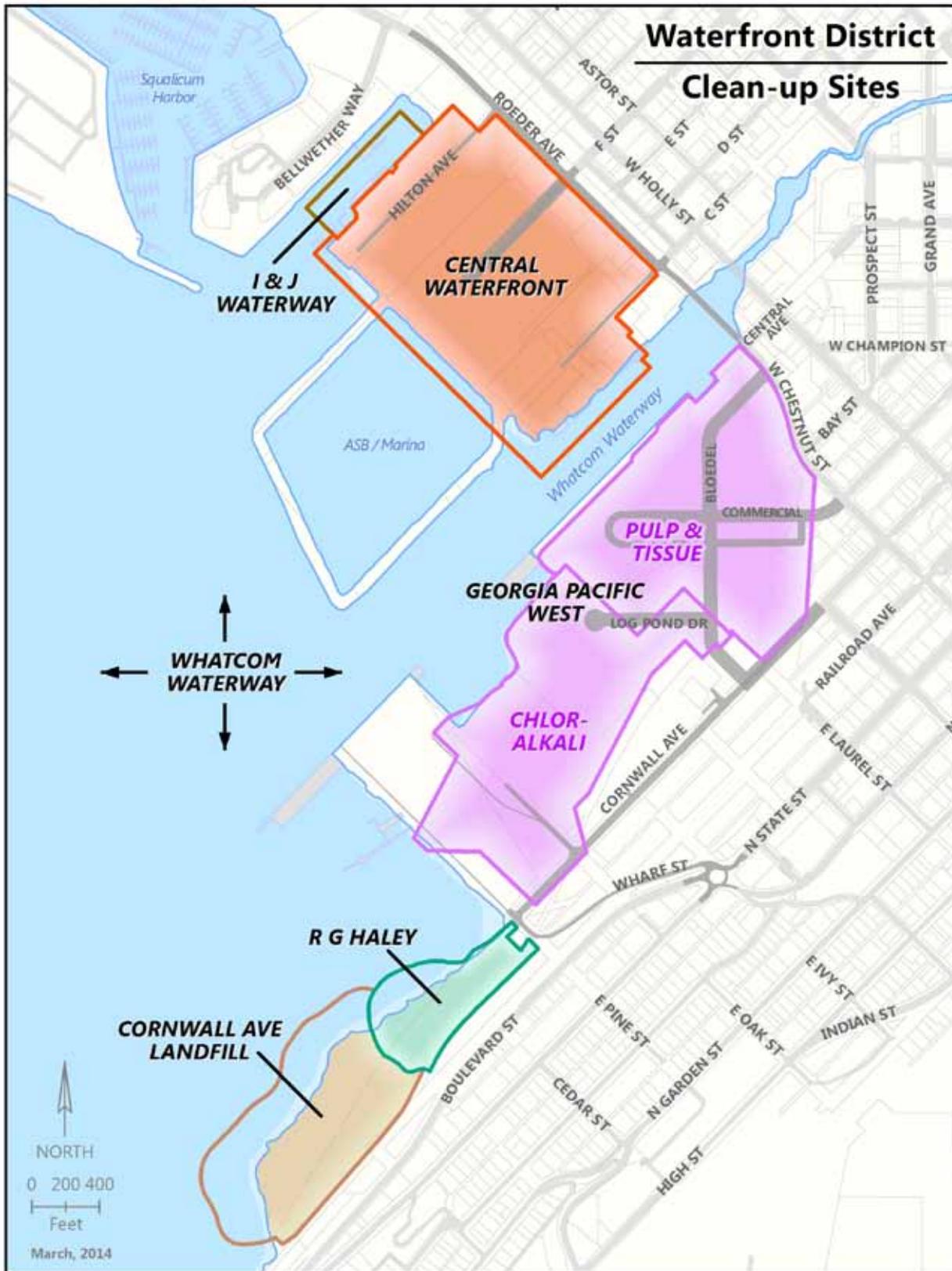


Figure 3

If the determination is made that a project is consistent with the PAO, the PAO official (city) will formally issue a determination of consistency identifying any required mitigation, and no additional SEPA review is required. If a determination is made that a project is not consistent with the PAO, additional SEPA review may be required. The PAO is available on the Waterfront District page of the city's website, www.cob.org.

Zoning, Development Regulations, and Design Review

The Waterfront District is currently located in sub-area 23 of the city's Central Business District Neighborhood, and the zoning designation is Waterfront District Urban Village (WDUV) . The WDUV is divided into the following three land use areas: Industrial Mixed-Use, Institutional Mixed-Use, and Commercial Mixed-Use as shown in Figure 4 on page 8. To ensure the district contains the mix of land uses envisioned in the Waterfront District Subarea Plan, the ratio between industrial, commercial, and residential square footage, shall be consistent with the ratios set forth in Table 2 on page 7. The requirement for a mix of uses applies cumulatively to the entire Waterfront District and does not apply to each individual development project.

The regulations for developing land within the Waterfront District are found in Chapter 20.37 of the Bellingham Municipal Code (BMC). Within this section of the code are a list of uses (permitted, conditional), information regarding building heights, parking, Floor Area Ratios and density bonuses, view corridors, street standards, and sustainability, just to name a few. Figure 5 on page 9 shows the height limits and view corridors.



In addition to the development regulations in Chapter 20.37 BMC, the design of buildings within the WDUV is regulated by the standards in Chapter 20.25 BMC. The intent of the design standards is to carry out the goals and policies of the Waterfront District Subarea Plan. The city’s Design Review Board and Planning Director will use the standards to evaluate the design of buildings in the WDUV through the design review

permit process. New construction within Industrial Mixed-Use areas are only subject to design review if the proposal includes retail, personal services, cultural or entertainment uses, or is located within 20-feet of an existing or proposed arterial street or park. Links to Chapters 20.25 and 20.37 BMC are available on the Waterfront District page of the city’s website, www.cob.org.

Table 2

Area	Land Use Designation	Minimum Percentages			Maximum Percentages		
		Ind	Com	Res	Ind	Com	Res
Marine Trades	Industrial MX	60	0	0	100	40	0
Downtown Waterfront	Commercial and Institutional MX	0	20	35	10	60	60
Log Pond	Industrial MX	60	0	0	100	40	0
Shipping Terminal	Industrial MX	60	0	0	100	40	0
Cornwall Beach	Commercial MX	0	0	0	10	100	60



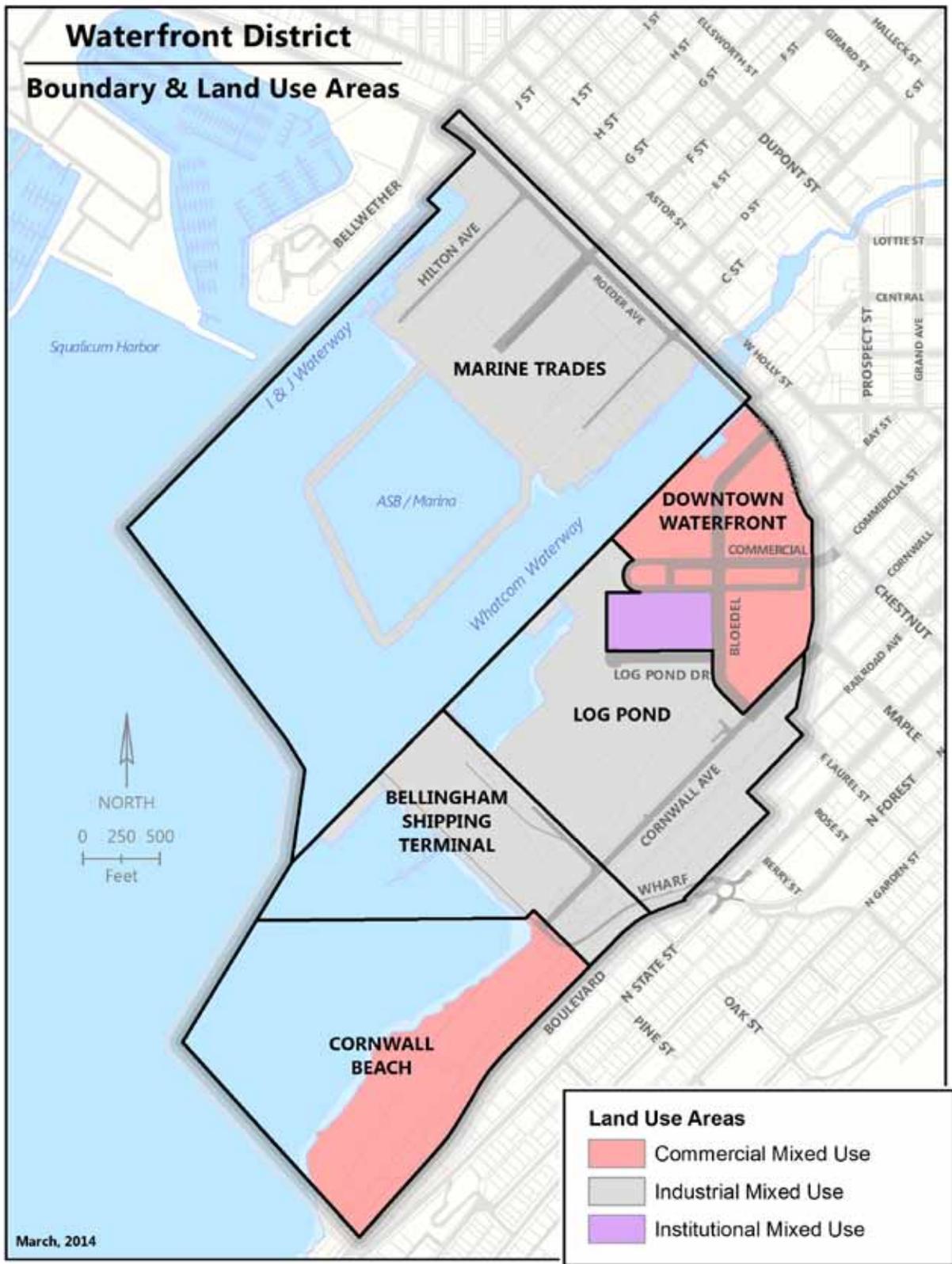


Figure 4

Shoreline Master Program

Development within 200-feet of the ordinary high water mark (OHWM) of Bellingham Bay is within shoreline jurisdiction and therefore subject to the development regulations in the city's Shoreline Master Program or "SMP" (Title 22 BMC). The Waterfront District shoreline designation has three distinct sub-areas identified as "water-oriented uses," "shoreline mixed-uses" and "shoreline recreational uses." These three sub-areas are shown on Figure 6.

The SMP was developed during the same time period as the Waterfront District Subarea Plan and development regulations, and the three documents were drafted to be consistent with each other. In some instances, the allowed uses within shoreline jurisdiction are narrower than those uses that are specified in the permitted uses in Chapter 20.37 BMC. These instances are generally noted or cross-referenced in the development regulations. Determining the shoreline development regulations that apply to a proposal is dependent upon two variables; the shoreline sub-area and the type of use proposed, which are defined in Chapters 22.09 and 22.11 BMC. The development regulations that may have the most impact on a proposal are related to buffer and setback widths, and height.

Prior to development within shorelines a shoreline substantial development permit is required. A link to the SMP is available on the Waterfront District page of the city's website, www.cob.org.

Subdivision

The Waterfront District property will need to be divided into multiple building lots prior to sale or lease. It is anticipated that the port or a developer will subdivide the property via the binding site plan (BSP) process. The BSP process allows creation of lots for lease or sale while

ensuring flexibility in the timing of required infrastructure improvements. The BSP process includes two steps, the first is a "general" site plan approval establishing parent parcels, access, roads, etc. while the second stage includes approval of a "specific" development proposal including installation of infrastructure such as streets and utilities necessary to service the proposed development. Per Section 20.37.430 BMC, the Subarea Plan serves as the General Binding Site Plan contract, and land divided under the binding site plan process may also include residential uses. The city's subdivision code is available on the city's website, www.cob.org.

Historic Structures

From 1926 until 2001, the south side of the Whatcom Waterway was used as a pulp mill and for the production of ethyl alcohol (a by-product from pulp mill waste). Seven structures that were used by the pulp mill industry remain in the Waterfront District today. Three of these structures are located on Port land proposed for private redevelopment, and the other four are within City parks. An assessment of the existing structures was completed by an architecture firm in 2009. The assessment made recommendations to temporarily hold certain structures for further market consideration, demolish certain unsafe structures and structures with limited potential for re-use, and salvage or re-use materials and equipment within buildings and open spaces. Additional information identifying historic structures, buildings, and icons including applicable policies can be found on pages 36-37 of the Waterfront District Subarea Plan. The port has additional information on the salvage and reuse potential of the remaining structures and an inventory of materials and equipment salvaged from buildings previously demolished, which may be available for display or reuse within new structures.

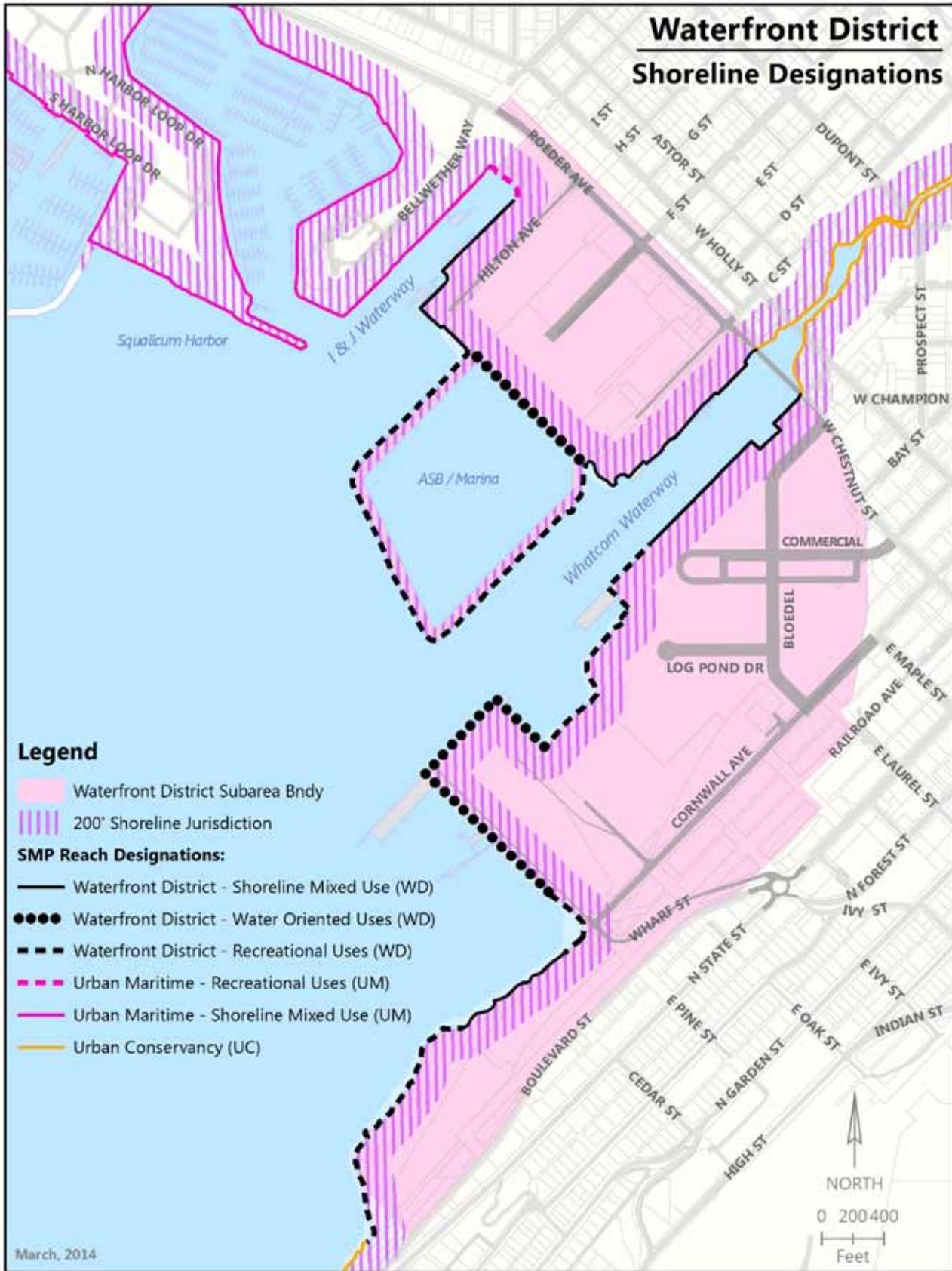
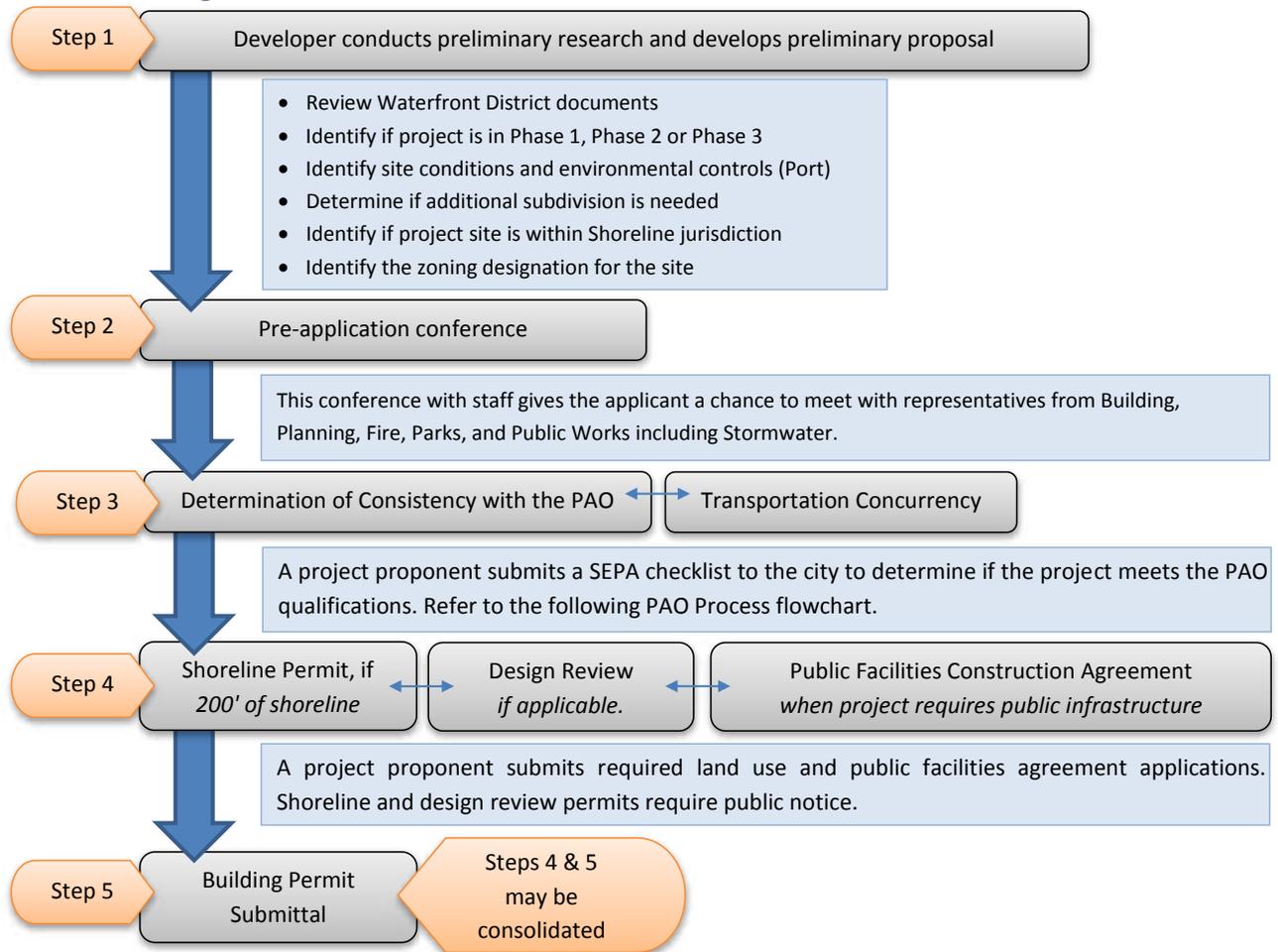


Figure 6

The Permitting Process



The Permitting Process: Step by Step

The following steps provide a general plan for approaching the permitting process within the Waterfront District.

The city's Permit Center is the first place to start when considering a development proposal. Staff can provide information and assistance with preliminary research and direct you to important documents and regulations to review, prior to spending significant time and expense developing a proposal.

Step 1: Developer conducts preliminary research and develops preliminary proposal

Important elements to identify early in the process include:

- Review Waterfront District documents to understand applicability,
- Identify if project is in Phase 1, Phase 2 or Phase 3,
- Identify if the proposed location is adjacent to planned infrastructure improvements,
- Determine if additional subdivision must occur,
- Identify if the proposal is in shoreline jurisdiction,
- Identify the zoning designation for the site,
- Work with the port to determine environmental controls impacting site.

Step 2: Pre-application Conference

During the pre-application conference, city planning, building, public works, parks and other departmental staff will review a development proposal for consistency with the applicable regulations and provide written meeting notes to provide a clear pathway forward for a developer. Please refer to the pre-application conference handout on the city's website for current submittal requirements, scheduling and more, www.cob.org.

Step 3: SEPA Determination of Consistency with the Planned Action Ordinance

An applicant will complete a SEPA Checklist and staff will review the proposal for consistency

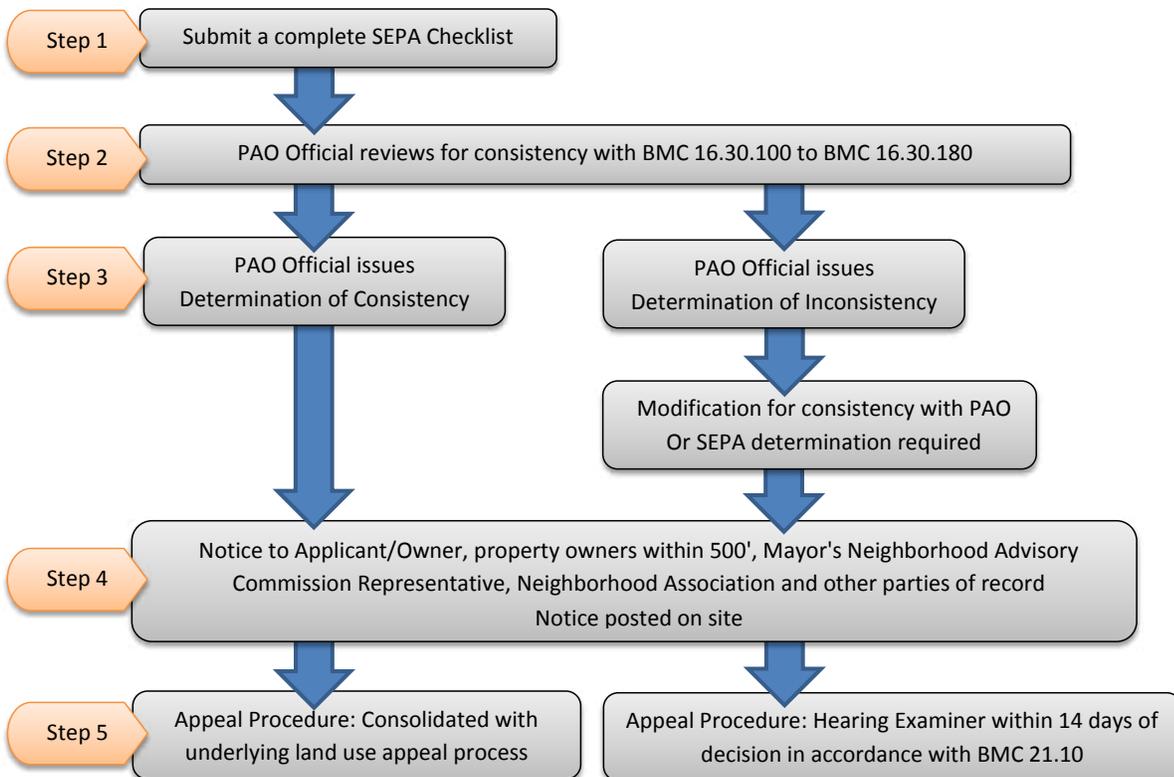
with the Waterfront District EIS. If a determination is made that a project is consistent with the PAO, the PAO official will identify any required mitigation measures, formally issue a determination of consistency and no additional SEPA review is required. If a determination is made that a project is not consistent with the PAO, additional SEPA review may be required.

Step 4: Apply for required land use permits and public facilities construction agreement

Land use and public facilities (infrastructure) approvals shall be obtained prior to approval of a building permit. This may include a shoreline substantial development permit, design review

Planned Action Ordinance (PAO) Permit Process

The City's PAO Responsible Official has the authority to determine whether a project qualifies as a planned action in accordance with the procedure below.





permit, and public facilities construction agreement. The public facilities construction agreement (PFCA) is required when a developer is proposing to install public streets and utilities. A project may require a shoreline substantial development permit if it is within 200-feet of the ordinary high water mark (OHWM) of Bellingham Bay. Applications for State and Federal permits associated with water ward construction within shoreline jurisdiction may require additional environmental review.

A design review permit approval must also be obtained, if applicable. Shoreline and design review permits are discretionary permits that require public notice and approval from the Planning Director.

If the project triggers public infrastructure improvements, an application for a PFCA is required and must be prepared by a licensed civil engineer.

Step 5: Apply for building permits.

This step encompasses all of the permits needed to permit the construction of the proposed Development. The phrase “building permits” is used by staff to include all of the construction permits required from various departments including Building Services (such as building, plumbing, electrical and mechanical permits), Public Works (such as water and sewer connections and stormwater permits) and Fire (such as fire line, fire sprinkler and fire line installations). Impact fees are assessed at building permit issuance.

Typically a design professional will take the lead in applying for building permits. Building permit submittals must match the land use approvals obtained in Step 4, or resubmittal of information for review and approval may be required.

Contacts:

City of Bellingham

210 Lottie St. Bellingham, WA 98225

Permit Center (360) 778-8300,
permits@cob.org

Executive Department (360) 778-8100
mayoroffice@cob.org

Port of Bellingham,

1801 Roeder Ave., Bellingham, WA 98225
(360) 676-2500 info@portofbellingham.com

Waterfront District Documents:

Waterfront District Development Agreement
between the City and Port

Interlocal Agreement for Facilities within the
Waterfront District

Planned Action Ordinance

Waterfront District Sub Area Plan

Waterfront District Development Regulations
(Chapter 20.37 BMC)

Waterfront District Design Review Guidelines
(Chapter 20.25 BMC)

