

ORDINANCE NO. 10719

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, ADOPTING NEW ADMINISTRATIVE PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS, AS REQUIRED BY THE REGULATORY REFORM ACT, CHAPTER 36.70B RCW, ADDING A NEW ADMINISTRATIVE TITLE 21 TO THE BELLINGHAM MUNICIPAL CODE, AMENDING BMC SECTION 2.54.040 B., BMC TITLE 20 (LAND USE DEVELOPMENT ORDINANCE), BMC TITLE 18 (SUBDIVISION ORDINANCE), BMC CHAPTER 17.80 (LANDMARK PRESERVATION) AND BMC CHAPTER 16.40 (SHORELINES).

WHEREAS, in 1995, the Washington State Legislature adopted SHB 1724 which provides for regulatory reform and integration of growth management planning and environmental review; and

WHEREAS, this state law requires municipalities to amend their land use codes no later than March 31, 1996 to conform to the procedural requirements of this act; and

WHEREAS, the required changes include amendments to the city's land use development ordinance, the subdivision code, shoreline regulations and provisions establishing the Board of Adjustment; and

WHEREAS, this ordinance is adopted to comply with the requirements of the state law and to fulfill its purpose; and

WHEREAS, certain permits should be excluded from the application of these amendments because they present special circumstances that warrant a different review process; and

WHEREAS, certain permits are technical in nature, require limited or no public comment and are of limited impact; and should be subject to a limited review process of short duration and excluded from the application of these amendments;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new Title 21 is hereby added to the City of Bellingham Municipal code, to read as follows:

ADMINISTRATION OF DEVELOPMENT REGULATIONS

21.01.010 Permit Applications Subject to Application Processing Procedures. The following project permit applications shall be subject to the procedures contained in this Title:

1. Preliminary plats
2. Shoreline substantial development permits, conditional uses and variances
3. Planned development contracts

4. Institutional site plan contracts (excluding Institutional Master Plans)
4. Fairhaven design review contracts
5. Applications reviewed by the Board of Adjustment or Landmark Review Board as follows:
 - Conditional Use
 - Variance
 - Nonconforming Use Alteration
 - Landmark Certificate of Alteration

21.01.020 Exemptions from Application Processing Procedures.

- A. The following permit applications shall be exempt from the provisions of this Title unless otherwise specified herein:
1. Accessory dwelling units
 2. Billboard relocation permits
 3. Binding site plans
 4. Building permits
 5. Clearing permits
 6. Grading permits
 7. Home occupation permits that do not require a hearing
 8. Lot line adjustments
 9. Administrative approvals authorized by BMC Chapter 20 that do not require general public notice such as over-height fences, temporary uses and similar approvals
 10. Short plats
 11. Wetland permits
 12. Comprehensive plan and Neighborhood Plan amendments
 13. Institutional master plans
 14. Street vacations
 15. Landmark designations
 16. Final plats
 17. All other permits issued by the Public Works Department, Building Services Division and Fire Department
 18. Approvals relating to the use of public areas or facilities

21.01.030 Joint Hearings.

- A. Director's Decision to Hold Joint Hearing. The Director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C below are met.

- B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a project permit application be combined as long as the joint hearing can be held within the time periods set forth in this Title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.
- C. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:
 - 1. The other agency is not expressly prohibited by statute from doing so;
 - 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
 - 3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City hearing; and
 - 4. The hearing is held within the geographic boundary of the City.

21.01.040 Optional Consolidated Permit Processing.

- A. An application that involves two or more procedures may be processed collectively as provided in subsections C, D and E below. The applicant may determine whether the application shall be processed collectively or individually.
- B. A single report shall be prepared for the consolidated permit application that states all the decisions made as of the date of the report on all project permits included in the consolidated permit process that do not require an open record pre-decision hearing and any recommendations on project permits that do not require an open record pre-decision hearing. The report shall state any mitigation required or proposed under the development regulations or the agency's authority under RCW 43.21C.060. The report may be the permit. If a threshold determination other than a determination of significance has not been issued previously by the local government, the report shall include or append this determination.
- C. Board of Adjustment and Landmark Review Board. Projects involving more than one of the following applications may use the Board of Adjustment Review Procedures contained in BMC 20.19: conditional use, variance, nonconforming use alteration or landmark certificate of alteration. If the project involves an application for a landmark certificate of alteration, the hearing body and decision maker shall be the Landmark Review Board.

D. Consolidated Process I.

1. Projects involving more than one of any of the following applications may use Consolidated Process I:

Shoreline substantial development permits, and/or shoreline conditional use or variance
Fairhaven design review contracts
Institutional site plans
Planned development contracts
Conditional use permits
Landmark Certificate of Alteration
Nonconforming Use Alteration
Variance

2. Consolidated Process I shall consist of the permit application review process for Planned Development as set out in BMC 20.38.040 with the following changes:
 - a. If a consolidated permit application includes a shoreline substantial development permit, shoreline conditional use or shoreline variance, the Shoreline Committee of the Planning Commission shall hold a public meeting and make a recommendation to the Planning Director.
 - b. If a consolidated permit application includes a Fairhaven design review contract for a project in the Core Area of the Fairhaven Design Review District, the Landmark Review Board may hold an optional public meeting.
 - c. If a consolidated permit application includes a conditional use permit, nonconforming use alteration, variance or shoreline conditional use the Board of Adjustment shall hold a public meeting and make a recommendation to the Director.
 - d. If a consolidated permit application includes a landmark certificate of alteration the Landmark Review Board shall hold a public meeting and make a recommendation to the Director.
 - e. If more than one body is required to hold a meeting or opts to hold a meeting, a joint meeting shall be held.
 - f. The City Council shall make the permit decision for a consolidated permit application that includes an exception from any of the standards of BMC 20.38, Planned Development or certain Shoreline Conditional Use approvals that would otherwise require approval by the City Council.

E. Consolidated Permit Process II.

1. For all other combinations of permits using a consolidated application process, the Preliminary Plat process contained in BMC Chapter 18.16 shall apply.

21.01.050 Standard Process Elements. The following procedures shall be incorporated into the permit review process:

- A. Pre-Application Conference. The applicant is encouraged to meet with Planning and Community Development staff prior to submitting an application. The purpose of a pre-application conference is to acquaint the applicant with the submittal requirements. The staff may also recommend a pre-application neighborhood meeting and/or the submittal of supporting documents or studies which may help identify and address anticipated issues. A pre-application conference is not mandatory.
- B. Determination of Completeness. Within twenty-eight (28) days after receiving a permit application, the City shall mail or personally provide to the applicant or his authorized representative a written determination which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

To the extent known by the City, other agencies with jurisdiction over the permit application shall be identified in the City's determination of completeness.

A project permit application is complete for purposes of this section when it meets the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

If the applicant receives a determination from the City that an application is not complete, the applicant shall have 120 days to submit the necessary information to the City. Within fourteen (14) days after an applicant has submitted the requested additional information, the City shall make the determination as described above and notify the applicant in the same manner.

If the applicant either refuses in writing to submit additional information or does not submit the required information within the 120 day period, the application shall lapse.

A project permit application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is either complete or incomplete as provided above.

- C. Notice of Application. Within fourteen (14) days after the City has made a determination of completeness of a permit application, the City shall issue a notice of application. The notice of application shall be provided at least fifteen (15) days prior to an open record hearing regarding the application.

The notice of application shall include:

1. The date of the application, the date of the notice of completion of the application and the date of the notice of application;
2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
3. The identification of other required permits not included in the application, to the extent known by the City;
4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
5. A statement of the time limits for the public comment period, which shall be fourteen (14) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
6. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of application;
7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency as provided in RCW 36.70B.040;
8. Any other information determined appropriate by the City.

Except for a determination of significance under the State Environmental Policy Act (SEPA), the City may not issue its SEPA threshold determination or issue a decision or recommendation on a permit application until the expiration of the public comment period on the notice of application.

Neighborhood organizations may register to request notification of projects within their neighborhood that require public notice. A register will be maintained at the Planning and Community Development Department.

- D. Notice of Decision. A notice of decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The notice shall be mailed within ten (10) days after the decision. The notice of decision shall issue within one hundred twenty (120) days after the City notifies the applicant that the application is complete.

The notice of decision shall include a statement of any threshold determination made under SEPA (Chapter 43.21C RCW). The notice may be a copy of the permit.

21.01.060 Calculation of Time Periods for Issuance of Notice of Decision.

- A. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of decision, the following periods shall be excluded:
1. Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the City determines whether the additional information satisfies the request for information or fourteen (14) days after the date the information has been provided to the City;
 2. If the City determines that the information submitted by the applicant under subsection A.1. above is insufficient, it shall notify the applicant of the deficiencies and the procedures under subsection A.1. above shall apply as if a new request for studies had been made;
 3. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW, if the City by ordinance has established time periods for completion of environmental impact statements, or if the City and the applicant in writing agree to a time period for completion of an environmental impact statement;

4. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

a. ninety (90) days for an open record appeal hearing; and

b. sixty (60) days for a closed record appeal.

The parties may agree to extend these time periods;

5. Any extension of time mutually agreed upon by the applicant and the local government; and

B. The time limits established in this Title do not apply if a project permit application:

1. Requires an amendment to the comprehensive plan or a development regulation;

2. Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200; or

3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70B.070.

2101.070 Administrative Interpretations. Unless otherwise specified by ordinance, the director of the department administering permits regulated by this Title shall develop and adopt procedures for administrative interpretation of the development regulations applicable to those permits.

Section 2. Section 20.10.015 of the Bellingham Municipal Code shall be amended as follows:

.015 POSTING NOTICE.

The applicant for land use actions which require public notification shall post public notice signs, as provided by the Department of Planning and Community Development, within five (5) days after a notice of complete application has been sent to the applicant, or if no notice of complete application is required, within five (5) days after the application is accepted. The signs shall be posted at an area of the site adjoining public right-of-way, where the signs will be most visible to the public. Larger sites may require more than one sign as determined by the department. The applicant shall be responsible for posting and maintaining the signs at the site until the City has completed action and for removing the signs thereafter.

Section 3. Section 20.16.010 D. of the Bellingham Municipal Code shall be amended as follows:

- D. Prior to the granting of such permit, the Board shall hold a public hearing as provided herein and such permit shall only be issued if it shall be evident that all conditions for that particular use have been satisfied. Any request for a conditional use permit or variance which is part of a Consolidated Permit Process as provided in Chapter 21 of the Bellingham Municipal Code shall be reviewed under the procedures of said chapter.

Section 4. Section 20.16.040 of the Bellingham Municipal Code shall be amended as follows:

.040 CONDITIONAL USE PROCEDURE.

- A. The procedure for reviewing Conditional Use applications shall be as contained in Chapter 20.19 herein unless the consolidated permit process described in Title 21 of the Bellingham Municipal Code is used.

Section 5. Section 20.16.030 of the Bellingham Municipal Code shall be amended as follows:

.030 VARIANCE PROCEDURE.

- A. An authorized variance shall be void after the expiration of one year from the date of authorization unless either construction has been completed or there is a valid building permit in force in conformance with the variance as authorized.
- B. The procedure for reviewing variance applications shall be as contained in Chapter 20.19 herein unless the application is part of a consolidated permit process as described in Title 21 of the Bellingham Municipal Code, in which case the procedures contained in Title 21 shall be used.

Section 6. A new Chapter 20.19 of the Bellingham Municipal Code shall be established as follows:

20.19.000 BOARD OF ADJUSTMENT REVIEW PROCEDURES

.010 PROCEDURE

- A. Pre-Application Conference and Neighborhood Meeting. A pre-application conference may be used as described in BMC 21.01.050A.

A neighborhood meeting is required to be conducted by the applicant for a conditional use permit prior to submittal of an application,

provided, however, this requirement may be waived by the Director of Planning and Community Development upon request of the applicant for applications for minor projects which the Director determines do not have significant impacts on residential areas or involve significant planning issues.

Notice of the date, time and location of the neighborhood meeting shall be mailed by the applicant to the Department of Planning and Community Development, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request with the Department of Planning and Community Development for the neighborhood involved, and owners, as listed in the records of the Whatcom County Assessor, of all property located within 300 feet of the subject property, not less than ten days prior to the meeting and posted conspicuously on the site for at least one week prior to the meeting. The notice shall be on a form provided by the Department of Planning and Community Development and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information regarding the proposal. Notice to the Department of Planning and Community Development shall include a list of the persons and addresses notified of the neighborhood meeting.

The application shall be accompanied by the submission of information regarding the date, time and list of persons notified for the neighborhood meeting.

- B. Application Form. The Board shall prescribe the forms to be used for Conditional Use Applications which come before them for action. The Board may prepare and provide blanks for such purposes and prescribe the type of information and plans to be provided in the application or submitted by the applicant or petitioner.
- C. Fees. A filing fee as established by Council resolution is to be paid to the City Finance Director. The fee is non-refundable. Applications must be accompanied by a receipt acknowledging payment of the filing fee.
- D. Submittal. Applications for permits shall be submitted upon forms provided by the Director. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:
 - (1) Application form with required plans and information.
 - (2) SEPA checklist, if required.
 - (3) Fee payment.

- E. Determination of Completeness. The procedures contained in BMC 21.01.050 B. shall apply.
- F. Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply.
- G. Notification Methods.

1. Notice of Application. A notice of application as described in F above shall be mailed by the Planning and Community Development Department to the applicant, agencies with jurisdiction and all property owners within one hundred (100) feet for variances or home occupations and three hundred (300) feet for conditional uses. The distance shall commence from the exterior property line of the proposal. A notice of application shall also be posted on the site as required under Chapter 20.10.015 of this ordinance.

2. Hearing. A notice of public hearing shall be advertised in a newspaper of general circulation in the City by the City at least ten (10) days prior to the scheduled hearing date. Written notice of the hearing shall be mailed by the Planning and Community Development Department to the applicant and all property owners within one hundred (100) feet for variances or home occupations and three hundred (300) feet for conditional uses. The distance shall commence from the exterior property line of the proposal. If the hearing date has been scheduled as of the date of the notice of application, the hearing notice may be combined with the notice of application.

No public hearing may be conducted prior to fifteen (15) days after the date of the notice of application. If the threshold determination requires public notice under Chapter 43.21C RCW, the City shall issue its threshold determination at last fifteen days prior to the Board hearing.

3. Mailing list provided by applicant. The list of all such affected parties shall be submitted by the applicant as part of the application submittal requirements and shall be obtained from the latest available records of the Whatcom County Assessor's Office.

No responsibility will be assumed by the applicant, Board, or Planning Office in the event the County Assessor's records contain inaccurate or incomplete information, and any such deficiencies will not invalidate any proceedings conducted in reliance of such information. However, failure to notify the affected parties within the specified distance when the County Assessor's records are accurate, shall constitute grounds for a rehearing.

- H. Board Action. The Board shall hold a public hearing to listen to public input concerning the granting of the permit.

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

After receiving all testimony, the Board shall render a decision based on the criteria listed in the Bellingham Municipal Code sections pertaining to the subject application.

In approving an application, the Board may impose such conditions as it deems appropriate, if such are deemed necessary for the protection of the surrounding properties, or the neighborhood or the general welfare of the public. The Board of Adjustment shall not have the authority to disregard those conditions, if any, imposed by the Responsible Official as a means of avoiding adverse environmental impact, pursuant to WAC 197-10-370.

The Board shall not waive or reduce the minimum requirements of this ordinance or any other title of the City Code, unless upon proper variance petition.

The Board of Adjustment shall make its findings, decision, or ruling on each variance application within thirty (30) days following the termination of the public hearing.

- I. Notice of Decision. The procedures contained in BMC 21.01.050 C. shall apply.
- J. Appeals of Board Decision. Any party aggrieved by an action of the Board of Adjustment may file an action in the Superior Court of Whatcom County to review the Board decision. Any such action shall be governed by and filed within the time periods provided by RCW Chapter 36.70C.

Section 7. Section 20.26.040 B shall be amended as follows:

- B. A public meeting conducted by the Landmark Review Board may be required for development proposals in the "core" area if requested by either the Director of Planning and Community Development or the Board Chair. A meeting should be requested for only those projects which may have significant visual impact on the design review district. A public hearing conducted by the City Council may also be required if the decision of the staff is appealed by the developer or any other aggrieved party.

Section 8. A new Subsection 20.26.040 C shall be added as follows:

- C. Pre-Application Conference. A pre-application conference may be conducted as described in BMC 21.01.050 A.

Section 9. Existing Section 20.26.040 C shall be renamed subsection D and amended as follows:

D. Submittal Requirements.

- (1) The applicant is required to submit the following information to the Planning and Community Development Department. The Director shall prescribe the forms to be used for applications. The Director may prepare and provide blanks for such purposes and prescribe the type of information and plans to be provided in the application or submitted by the applicant or petitioner.
 - (a) Design Review application (completed) including names and addresses of property owners within 300 feet of the site boundary. The owner and address of the subject property shall also be included if different than the applicant.
 - (b) Site plan (6 copies) of a scale not smaller than 1" = 100' (1:1200) but not larger than 1" = 20' (1:240), depicting:
 - i. Site dimensions.
 - ii. Conformance with applicable standards.
 - iii. Relationship of site to neighboring lots and structures.
 - iv. Location of existing and proposed buildings.
 - v. Proposed curb cuts and vehicular circulation.
 - vi. Proposed pedestrian circulation.
 - vii. Proposed building areas (and density if residential).
 - viii. Proposed parking areas and estimated capacity.
 - ix. Any proposed open space, recreation area, landscaping and buffer area.
 - x. Proposed utility extension.

- xi. Building elevations.
- xii. Topography
- xiii. Existing fire suppression infrastructure.
- iv. Anticipated type of construction, architectural details and material to be used for structures.
- v. Proposed signage.
- vi. Site lighting.
- vii. Walls, fences and other proposed structures.
- viii. Ground surface treatment.
- (c) Site Plan Reduction (1 copy) of an 8 1/2 inch by 11 inch reduction of the site plan.
- (d) State Environmental Policy Act (SEPA) Checklist. (An Environmental Impact Statement may be required by the responsible official pursuant to RCW 43.21C and Ordinance 9362 as amended.)
- (e) Fees. A filing fee as established by Council resolution shall accompany all submittals.

Section 10. A new subsection E shall be added to Section 20.26.040 as follows:

- E. Determination of Completeness. The procedures of BMC 21.01.050 B. shall apply.

Section 11. A new subsection F shall be added to Section 20.26.040 as follows:

- F. Notice of Application. The procedures of BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall mail the notice to the applicant, agencies with jurisdiction and all property owners within three hundred (300) feet. A notice of application shall also be posted on the site as required by Chapter 20.10.015 of this ordinance.

Section 12. Existing Section 20.26.040 D shall be amended as follows:

- G. Landmark Review Board/Optional Meetings
 - (1) Upon acceptance of an application and no later than the date of the notice of application, staff shall send notification of the proposal to the Landmark Review Board members, affected City departments and City Council.

The notice shall include a description of the project, its location, and a copy of the reduced site plan.

- (2) Public Meeting (Optional). If, in the opinion of the Planning and Community Development Director or the Landmark Review Board Chair, a project proposal in the core area is likely to raise substantial public interest, a meeting may be scheduled in front of the Landmark Review Board. A decision to conduct a public meeting must be determined within 10 days from the mailing of the notice. If a public meeting is required, the proposal shall be scheduled for the next meeting date for which notice and procedural requirements can be satisfied. The Landmark Review Board shall transmit its recommendations to the Planning and Community Development Director following the public . Normal meeting procedures shall be followed.

Section 13. Existing Section 20.26.040 E of the Bellingham Municipal Code shall be amended as follows:

H. Public Notification

If a public meeting has been required, notification of the meeting shall be given to all property owners within 300 feet specifying the time and date of the meeting. Written notice of the meeting shall be mailed by the Planning and Community Development Department no less than ten (10) days prior to the date of the meeting.

The notice shall include a description of the project, its location and a copy of the reduced site plan.

Section 14. Existing Section 20.26.040 F shall be amended as follows:

I. Technical Review Committee.

- (1) After receipt of a complete design review application or prior to a public meeting which may be scheduled, the Department of Planning and Community Development shall schedule a Technical Review Committee (TRC) meeting.
- (2) The standing members of the TRC shall consist of the Planning and Community Development Director, Building Official, Public Works Director and Fire Chief or their authorized representative.

However, any City department or department/division supervisor, may attend to express opinions related to the project proposals.

- (3) The TRC shall review the comments expressed by the public, and the proposal as it relates to the concerns of their respective department and City policies and ordinances, and potential adverse impact to the environment, and prepare a report of conditions of acceptance.

Section 15. Existing Section 20.26.040 G. shall be amended as follows:

J. Decision/Design Review Contract.

- (1) Following the TRC meeting, Landmark Review Board public meeting if one has been held and the close of the public comment period the Planning and Community Development Director shall prepare a contract based upon all comments and recommendations received. The contract shall be drafted within 7 days of the TRC meeting or Landmark Review Board public meeting unless the public comment period has not closed.
- (2) The contract shall address all development aspects necessary to further the purpose, intent and standards of the design review district including but not limited to the following:
 - (a) Height and bulk of structures.
 - (b) Orientation of the structure on the lot.
 - (c) Materials utilized.
 - (d) Architectural elements including roof shape and pitch, window treatment, entry treatment, cornices, and other details.
 - (e) Parking location and design.
 - (f) Signage, lighting and landscaping.
- (3) The draft contract may be routed for review by the applicant, members of the Technical Review Committee or agencies with jurisdiction.
- (4) The contract shall be approved by the Planning and Community Development Director and sent to the applicant for their signature.
- (5) If the contract has been signed by the applicant, the Director shall route the contract to the City Attorney's office and the Mayor for final signature and attesting. When fully authorized, the contract shall constitute design review approval for development upon the subject property unless an appeal is filed.

- (6) Within ten (10) days of approval of the contract by the Director as described in (4) above, a notice of decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The time frames for making decisions on permit applications set forth in BMC Section 21.01.050 D. shall apply.

The notice of decision shall include a copy of the contract, a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal.

Section 16. Existing Section 20.26.040 H shall be amended as follows:

K. Appeal from Director's Decision.

- (1) Any party aggrieved by the decision of the Planning and Community Development Director may file an appeal with the City Finance Director within fourteen (14) days of the notice of decision of the Director. The appeal shall be accompanied with an appeal fee of \$50.
- (2) If an appeal is filed, the City Council Planning Committee shall schedule a public meeting to consider whether a public hearing should be scheduled for contract review. If a public hearing is scheduled, it shall be conducted by the full Council which shall render a final decision. Notice of the Council's decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The notice mailing date shall be considered to be the date of the Council decision. The appeal process shall be subject to the time limits for appeal decisions specified in BMC 21.01.060 A. (4).

Section 17. Section 20.38.040 A. of the Bellingham Municipal Code is hereby amended as follows:

.040 PROCEDURES.

- A. Process. Generally, staff approval is all that is required for project proposals which are consistent with applicable standards found herein and are located on property having a Planned use qualifier or Institutional general use type designation (following Plan adoption).

A public meeting conducted by the City Planning and Development Commission may be necessary if required by other City ordinances, or if requested by either the Director of Planning and Economic

Development or the Planning and Development Commission Chair. The meeting should be reserved to only those projects which could raise significant planning issues.

A public hearing conducted by the City Council may also be required if the decision of the staff is appealed by the developer or any other aggrieved party.

A neighborhood meeting is required to be conducted by the applicant prior to submittal of an application, provided, however, that this requirement may be waived by the Director of Planning and Community Development upon request of the applicant for applications for minor amendments to existing contracts, and for planned industrial and commercial projects which do not abut or have significant impacts on residential areas, so long as such amendments and planned industrial and commercial projects do not, in the discretion of the Director of Planning and Community Development, involve significant planning issues.

Notice of the date, time and location of the neighborhood meeting shall be mailed by the applicant to the Department of Planning and Community Development, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request with the Department of Planning and Community Development for the neighborhood involved, and owners, as listed in the records of the Whatcom County Assessor, of all property located within 300 feet of the subject property, not less than ten days prior to the meeting and posted conspicuously on the site for at least one week prior to the meeting. The notice shall be on a form provided by the Department of Planning and Community Development and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information regarding the proposal. Notice to the Department of Planning and Community Development shall include a list of the persons and addresses notified of the neighborhood meeting.

The application shall be accompanied by the submission of information regarding the date, time and list of persons notified for the neighborhood meeting.

Section 18. A new subsection 20.38.040 B. is hereby added to the Bellingham Municipal Code as follows:

- B. Pre-Application Conference. A pre-application conference may be used as described in BMC 21.01.050 A.

Section 19. Existing Section 20.38.040 B. of the Bellingham Municipal Code is hereby amended as follows:

C. Submittal Requirements.

1. The applicant is required to submit the following information to the Planning and Community Development Department. The Director shall prescribe the forms to be used for applications. The Director may prepare and provide blanks for such purposes and prescribe the type of information and plans to be provided in the application or submitted by the applicant or petitioner.
 - a. Planned application (completed) including names and addresses of property owners within 300 feet of the site boundary. The owner and address of the subject property shall also be included if different than the applicant.
 - b. Site plan (6 copies) of a scale not smaller than 1" = 100' (1:1200) but not larger than 1" = 20' (1:240), depicting:
 1. Conformance with applicable standards.
 2. Proposed curb cuts and vehicular circulation.
 3. Proposed pedestrian circulation.
 4. Proposed building areas (and density if residential).
 5. Proposed parking areas and estimated capacity.
 6. Any proposed open space, recreation area, landscaping and buffer area.
 7. Proposed utility extension.
 8. Building elevations.
 9. Topography
 10. Existing fire suppression infrastructure
 11. Anticipated type of construction for structures
 - c. Site Plan Reduction (1 copy) of an 8 1/2 inch by 11 inch reduction of the site plan.

- d. Title Report. A current title report issued by a title company within 90 days on the subject property. Current shall be deemed to mean within 90 days from date of application.
- e. State Environmental Policy Act (SEPA) Checklist. (An Environmental Impact Statement may be required by the responsible official pursuant to RCW 43.21 c and Ordinance 9362 as amended.)
- f. Fees. A filing fee as established by Council resolution shall accompany the submittal for all projects.)
- g. Fees for amendments or variances. A filing fee as established by Council resolution is required to be paid for amendments to approved planned ordinances, resolutions or contracts or from any variance from the planned standards herein.

Section 20. A new subsection 20.38.040 D. is hereby added to the Bellingham Municipal Code as follows:

- D. Determination of Completeness. The procedures contained in BMC 21.01.050 B. shall apply.

Section 21. A new subsection 20.38.040 E. is hereby added to the Bellingham Municipal Code as follows:

- E. Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall mail the notice to the applicant, agencies with jurisdiction and all property owners within three hundred (300) feet. A notice of application shall also be posted on the site as required by Chapter 20.10.015 of this ordinance.

Section 22. Existing Section 20.38.040 C. of the Bellingham Municipal Code is hereby amended as follows:

- F. Planning Commission/Optional Meetings

- 1. Upon acceptance of an application and no later than the date of the notice of application, staff shall send notification of the proposal to the Planning Commission members, affected City departments and City Council.

The notice shall include a description of the project, its location, and a copy of the reduced site plan.

2. Public Meeting (Optional). If, in the opinion of the Planning and Community Development Director or the Planning Commission Chair, the project proposal is likely to raise substantial planning issues or is a matter of public interest, a meeting may be scheduled in front of the Planning and Development Commission. A decision to conduct a public meeting must be determined within 10 days from the mailing of the notice. If a public meeting is required, the planned proposal shall be scheduled for the next meeting date for which notice and procedural requirements can be satisfied. The Planning Commission shall transmit its recommendations to the Planning and Economic Development Director following the public meeting. Normal meeting procedures shall be followed.

Section 23. Section 20.38.040 D. of the Bellingham Municipal Code is hereby amended as follows:

G. Public Notification

If a public meeting has been required, notification of the meeting shall be given to all property owners within 300 feet and utility companies specifying the time and date of the meeting. Written notice of the meeting shall be mailed by the Planning and Community Development Department no less than ten (10) days prior to the date of the meeting.

The notice shall include a description of the project, its location and a copy of the reduced site plan.

Section 24. Section 20.38.040 E. of the Bellingham Municipal Code is hereby amended as follows:

H. Technical Review Committee.

1. After receipt of a complete planned project application or prior to a public meeting which may be scheduled, the Department of Planning and Community Development shall schedule a Technical Review Committee (TRC) meeting.
2. The standing members of the TRC shall consist of the Planning and Community Development Director, Public Works Director and Fire Chief or their authorized representative. However, any City department or department/division supervisor, may attend to express opinions related to the project proposals.
3. The TRC shall review the comments expressed by the public, and the proposal as it relates to the concerns of their respective department and City policies and ordinances, and potential adverse impact to the environment, and prepare a report of conditions of acceptance.

Section 25. Section 20.38.040 F. of the Bellingham Municipal Code is hereby amended as follows:

I. Decision/Planned Development Contract.

1. Following the TRC meeting Planning Commission public meeting if one has been held and the close of the public comment period the Planning and Economic Development Director shall prepare a planned development contract based upon all comments and recommendations received.
2. The contract shall address all development aspects necessary to protect the public health, safety and welfare including, but not limited to, the following:
 - a. Appropriate permitted uses and/or special conditions on the uses.
 - b. Height restrictions on structures.
 - c. Yard requirements.
 - d. Sign regulations.
 - e. Street, utility and other public improvements both adjacent to the site and off site, which may be necessary as a result of the proposal.
 - f. An exhibit specifying building area, parking area, curb cut locations, buffer areas if necessary, or any other feature or requirement which may need to be graphically depicted.
3. The planned proposal may be changed, altered or conditioned as reasonably necessary to ensure compatibility with City goals, policies, standards, the surrounding areas or to mitigate direct impacts of the proposal.
4. The draft contract may be routed for review by the applicant, members of the Technical Review Committee or agencies with jurisdiction.
5. Applications *without* variances: If the application does not include requests for exceptions from the standards contained in BMC Chapter 20.38, the contract shall be approved by the Planning Director and sent to the applicant for their signature.

6. Applications *with* variances: If the application includes requests for exceptions from any of the standards contained in BMC 20.38, the draft contract and request for exception shall be subject to approval by the City Council after a public hearing. Notice of the hearing shall be provided in the same manner as described in Section 20.38.040 G. above. After approval by the Council the contract shall be sent to the applicant for their signature.
7. If the contract has been signed by the applicant, the Director shall route the contract to the City Attorney's office and the Mayor for final signature and attesting. When fully authorized, the contract shall constitute the land use restrictions and obligations for development upon the subject property unless an appeal is filed.
8. Within ten (10) days of approval of the contract by the Director as described in (4) above or approval by the City Council as provided in (6) above, a notice of decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The time frames for making decisions on permit applications set forth in BMC Section 21.01.050 D. shall apply.

The notice of decision shall include a copy of the contract, a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal.

Section 26. Existing Section 20.38.040 G. of the Bellingham Municipal Code shall be amended as follows:

J. Appeal from Director's Decision.

1. Any party aggrieved by the decision of the Planning and Community Development Director may file an appeal with the City Finance Director within fourteen (14) days of the notice of decision of the Director. The appeal shall be accompanied with an appeal fee as established by Council resolution.
2. If an appeal is filed, the City Council Planning Committee shall schedule a public meeting to consider whether a public hearing should be scheduled for contract review. If a public hearing is scheduled, it shall be conducted by the full Council which shall render a final decision. Notice of the Council's decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The notice mailing date shall be considered to

application. The notice mailing date shall be considered to be the date of the Council decision. The appeal process shall be subject to the time limits for appeal decisions specified in BMC 21.01.060 A (4).

Section 27. Section 20.38.040 H. of the Bellingham Municipal Code shall be re-labeled as Section 20.38.040 K and Section 20.38.040 I. shall be re-labeled as Section 20.38.040 L.

Section 28. Section 20.40.060 of the Bellingham Municipal Code shall be amended as follows:

20.40.000 INSTITUTIONAL DEVELOPMENT

.060 DEVELOPMENT/APPLICATION PROCEDURE.

- A. Process. Generally, staff approval is all that is required for project proposals which are consistent with applicable standards found herein and are located on property having a planned use qualifier or institutional general use type designation (following plan adoption).

A public meeting conducted by the City Planning and Development Commission may be necessary if required by other City ordinances, or if requested by either the Director of Planning and Economic Development or the Planning and Development Commission Chair. The meeting should be reserved to only those projects which could raise significant planning issues.

A public hearing conducted by the City Council may also be required if the decision of the staff is appealed by the developer or any other aggrieved party.

A neighborhood meeting is required to be conducted by the applicant prior to submittal of an application, provided, however, that this requirement may be waived by the Director of Planning and Community Development upon request of the applicant for applications for projects which do not abut or have significant impacts on residential areas and which, in the discretion of the Director of Planning and Community Development, do not involve significant planning issues.

Notice of the date, time and location of the neighborhood meeting shall be mailed by the applicant to the Department of Planning and Community Development, the representative(s) to the Mayor's Advisory Commission for the applicable neighborhood(s), neighborhood and media organizations which have filed a written request for such notices for the area involved, and owners, as listed in the records of the Whatcom County Assessor, of all property located within 300 feet of the subject property, not less than ten days prior to the

meeting and posted conspicuously on the site for at least one week prior to the meeting. The notice shall be on a form provided by the Department of Planning and Community Development and shall briefly describe the proposal and its location and it shall include the name, address and telephone number of a representative of the applicant who may be contacted for additional information regarding the proposal. Notice to the Department of Planning and Community Development shall include a list of the persons and addresses notified of the neighborhood meeting.

The application shall be accompanied by the submission of information regarding the date, time and list of persons notified for the neighborhood meeting.

Section 29. A new Section 20.40.060 B. of the Bellingham Municipal Code is hereby added as follows:

- B. Pre-Application Conference. A pre-application conference may be used as described in BMC 21.01.050 A.

Section 30. Existing Section 20.40.060 B. of the Bellingham Municipal Code is hereby amended as follows:

- C. Submittal Requirements.

1. The applicant is required to submit the following information to the Planning and Community Development Department. The Director shall prescribe the forms to be used for applications. The Director may provide blanks for such purposes and prescribe the type of information and plans to be provided in the application or submitted by the applicant or petitioner.
 - a. Planned application (completed) including names and addresses of property owners within 300 feet of the site boundary. The owner and address of the subject property shall also be included if different than the applicant.
 - b. Site plan (6 copies) of a scale not smaller than 1" = 100' (1:1200) but not larger than 1" = 20' (1:240), depicting:
 1. Conformance with applicable standards.
 2. Proposed curb cuts and vehicular circulation.
 3. Proposed pedestrian circulation.
 4. Proposed building areas (and density if residential).

5. Proposed parking areas and estimated capacity.
6. Any proposed open space, recreation area, landscaping and buffer area.
7. Proposed utility extension.
8. Building elevations.
9. Topography
10. Existing fire suppression infrastructure
11. Anticipated type of construction for structures
- c. Site Plan Reduction (1 copy) of an 8 1/2 inch by 11 inch reduction of the site plan.
- d. Title Report. A current title report issued by a title company within 90 days on the subject property. Current shall be deemed to mean within 90 days from date of application.
- e. State Environmental Policy Act (SEPA) Checklist. (An Environmental Impact Statement may be required by the responsible official pursuant to RCW 43.21 c and Ordinance 9362 as amended.)
- f. Fees. A filing fee of two hundred fifty dollars (\$250) shall accompany the submittal.

Section 31. A new Section 20.40.060 D. is hereby added to the Bellingham Municipal Code as follows:

- D. Determination of Completeness. The procedures contained in BMC 21.01.050 B. shall apply.

Section 32. A new Section 20.40.060 E. is hereby added to the Bellingham Municipal Code as follows:

- E. Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall mail the notice to the applicant, agencies with jurisdiction and all property owners within three hundred (300) feet. A notice of application shall also be posted on the site as required by Chapter 20.10.015 of this ordinance.

Section 33. Existing Section 20.40.060 C. of the Bellingham Municipal Code is hereby amended as follows:

F. Planning Commission/Optional Meetings

1. Upon acceptance of an application and no later than the date of the notice of application, staff shall send notification of the proposal to the Planning Commission members, affected City departments and City Council.

The notice shall include a description of the project, its location, and a copy of the reduced site plan.

2. Public Meeting (Optional). If, in the opinion of the Planning and Community Development Director or the Planning Commission Chair, the project proposal is likely to raise substantial planning issues or is a matter of public interest, a meeting may be scheduled in front of the Planning and Development Commission. A decision to conduct a public meeting must be determined within 10 days from the mailing of the notice. If a public meeting is required, the planned proposal shall be scheduled for the next meeting date for which notice and procedural requirements can be satisfied. The Planning Commission shall transmit its recommendations to the Planning and Economic Development Director following the public meeting. Normal meeting procedures shall be followed.

Section 34. Existing Section 20.40.060 D. of the Bellingham Municipal Code is hereby amended as follows:

G. Public Notification

If a public meeting has been required, notification of the meeting shall be given to all property owners within 300 feet and utility companies specifying the time and date of the meeting. Written notice of the meeting shall be mailed by the Planning and Community Development Department no less than ten (10) days prior to the date of the meeting.

The notice shall include a description of the project, its location and a copy of the reduced site plan.

Section 35. Existing Section 20.40.060 E. of the Bellingham Municipal Code is hereby amended as follows:

H. Technical Review Committee.

1. After receipt of a complete planned project application or prior to a public meeting which may be scheduled, the Department of Planning and Community Development shall schedule a Technical Review Committee (TRC) meeting.
2. The standing members of the TRC shall consist of the Planning and Community Development Director, Public Works Director and Fire Chief or their authorized representative. However, any City department or department/division supervisor, may attend to express opinions related to the project proposals.
3. The TRC shall review the comments expressed by the public, and the proposal as it relates to the concerns of their respective department and City policies and ordinances, and potential adverse impact to the environment, and prepare a report of conditions of acceptance.

Section 36. Existing Section 20.40.060 F. of the Bellingham Municipal Code is hereby amended as follows:

I. Decision/Planned Development Contract.

1. Following the TRC meeting Planning Commission public meeting if one has been held and the close of the public comment period the Planning and Economic Development Director shall prepare a planned development contract based upon all comments and recommendations received.
2. The contract shall address all development aspects necessary to protect the public health, safety and welfare including, but not limited to, the following:
 - a. Appropriate permitted uses and/or special conditions on the uses.
 - b. Height restrictions on structures.
 - c. Yard requirements.
 - d. Sign regulations.
 - e. Street, utility and other public improvements both adjacent to the site and off site, which may be necessary as a result of the proposal.

- f. An exhibit specifying building area, parking area, curb cut locations, buffer areas if necessary, or any other feature or requirement which may need to be graphically depicted.
3. The planned proposal may be changed, altered or conditioned as reasonably necessary to ensure compatibility with City goals, policies, standards, the surrounding areas or to mitigate direct impacts of the proposal.
4. The draft contract may be routed for review by the applicant, members of the Technical Review Committee or agencies with jurisdiction.
5. The contract shall be approved by the Planning and Community Development Director and sent to the applicant for their signature.
6. If the contract has been signed by the applicant, the Director shall route the contract to the City Attorney's office and the Mayor for final signature and attesting. When fully authorized, the contract shall constitute the land use restrictions and obligations for development upon the subject property unless an appeal is filed.
7. Within ten (10) days of approval of the contract by the Planning Director as described in (4) above, a notice of decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The time frames for making decisions on permit applications set forth in BMC Section 21.01.050 D. shall apply.

The notice of decision shall include a copy of the contract, a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal.

Section 37. Existing Section 20.40.060 G. of the Bellingham Municipal Code is hereby amended as follows:

J. Appeal from Director's Decision.

1. Any party aggrieved by the decision of the Planning Director may file an appeal with the City Finance Director within fourteen (14) days of the notice of decision of the Director. The appeal shall be accompanied with an appeal fee of \$50.
2. If an appeal is filed, the City Council Planning Committee shall schedule a public meeting to consider whether a public

hearing should be scheduled for contract review. If a public hearing is scheduled, it shall be conducted by the full Council whom shall render a final decision. Notice of the Council's decision shall be mailed to the applicant and to any person who, prior to rendering the decision, requested notice of the decision or submitted substantive comments on the application. The notice mailing date shall be considered to be the date of the Council decision. The appeal process shall be subject to the time limits for appeal decisions specified in BMC 21.01.060 A (4).

Section 38. Section 20.40.060 H. of Bellingham Municipal Code is hereby re-labeled as Section 20.40.060 K. and Section 20.40.060 I. is hereby relabeled as Section 20.40.060 L.

Section 39. Section 17.80.050 D. of the Bellingham Municipal Code is hereby amended as follows:

- D. The City Council has the sole authority to establish the local landmark register by resolution. The City Council shall consider the recommendation of the Landmark Review Board at a public meeting. All properties (exclusive of districts) presently on the State or Federal Historic Register shall be automatically included on the local register if written consent to have any such property placed on such register is filed by the property owner not later than December 31, 1986.

Section 40. A new Section 16.40.001 is hereby added to the Bellingham Municipal Code as follows:

This chapter shall be known as the Shoreline Management Master Program Regulatory Process Chapter. To the extent the procedures set forth in this Chapter conflict with procedures stated in the Shoreline Management Master Program, this Chapter shall be controlling.

Section 41. A new Section 16.40.020 is hereby added to the Bellingham Municipal Code as follows:

PERMIT PROCEDURE FOR SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, VARIANCES AND CONDITIONAL USE PERMITS UNDER THE SHORELINE MANAGEMENT MASTER PROGRAM

- A. Pre-Application Conference. A pre-application conference may be used as described in BMC 21.01.050 A.
- B. Application. The applicant shall obtain a Shoreline Permit applications from the City of Bellingham Planning and Community Development Department. An application shall consist of completed application form and all materials required by the as listed on the form and by the applicable development regulations. The application shall include the names and addresses of all owners of all property abutting the subject site as listed in the records of the Whatcom County Assessor. The owner and

address of the subject property shall also be included if different than the applicant.

- C. Determination of Completeness. The procedures contained in BMC 21.01.050 B. shall apply.
- D. Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall instruct the applicant to publish the notice of application in the Bellingham Herald. An affidavit of publication shall be transmitted by the applicant to the Planning and Community Development Department and affixed to the application. The date of the notice of application shall be the publication date. When the applicant has provided the publication date, the department shall also mail a notice to the owners of abutting property. No later than the publication date, the applicant shall post public notice signs, as provided by the Department of Planning and Community Development. The signs shall be posted at an area of the site adjoining public right-of-way or where the signs will be most visible to the public. Larger sites may require more than one sign as determined by the department. The applicant shall be responsible for posting and maintaining the signs at the site until the City has completed action and for removing the signs thereafter.

The notice of application together with the application shall also be sent to the Shoreline Committee of the Planning and Development Commission.

- E. Optional Hearing. During the 30 days following the date of the publication of the notice, the Shoreline Committee of the Planning and Development Commission shall review the application. If the Shoreline committee finds that the application raises substantial questions of fact or policy concerning its consistency with the Shoreline Management Act, or the goals, policies or regulations of the City of Bellingham, it shall order a public hearing to receive testimony on the issues raised; however, if the application includes a Shoreline Conditional Use application that requires review by the City Council, the Committee shall hold a public meeting to consider the issues and make a recommendation.

Notice of the hearing or meeting shall be mailed to the latest recorded real property owners as shown by the records of the Whatcom County Assessor within at least three hundred (300) feet of the boundary of the property upon which the substantial development permit is proposed and shall be published in the Bellingham Herald no less than 10 days prior to the date of the hearing. No public hearing may be conducted prior to fifteen (15) days after the date of the notice of application.

If the City's threshold determination requires public notice under chapter 43.21C RCW, the City shall issue its threshold determination at least fifteen days prior to the open record pre-decision hearing.

- F. Shoreline Committee Meeting. If no hearing (or meeting, in the case described above) is held, the Shoreline Committee shall hold a public meeting following the end of the comment period. The Committee shall thereafter forward a recommendation to the Planning Director.
- G. Decision. The City Council shall have the authority to approve or deny certain conditional use permits as provided in Section 16.40. The Planning and Community Development Director shall have the authority to approve or deny all other permits. The Board of Adjustment shall have the authority to review and consider conditional use permits as provided in the Bellingham Shoreline Management Master Program.
- H. Notice of Decision. The procedures contained in BMC 21.01.050 C. shall apply.
- No later than the date of the notice of decision the application and permit shall be forwarded to the Department of Ecology and State Attorney General's Office.
- I. Following the expiration of any appeal period required under RCW 90.58.140, unless an appeal has been filed within that period, the Planning and Economic Development Department shall notify the applicant that construction pursuant to the permit may commence.

Section 42. A new Section 18.16.037 is hereby added to the Bellingham Municipal Code as follows:

- .037 Pre-Application Conference. A pre-application conference may be used as described in BMC 21.01.050 A.

Section 43. A new Section 18.16.042 is hereby added to the Bellingham Municipal Code as follows:

- .042 Determination of Completeness. The procedures contained in BMC 21.01.050 B. shall apply.

Section 44. A new Section 18.16.043 is hereby added to the Bellingham Municipal Code as follows:

- .043 Notice of Application. The procedures contained in BMC 21.01.050 C. shall apply. The Planning and Community Development Department shall mail the notice to the applicant, agencies with jurisdiction and all property owners within three hundred (300) feet of any portion of the proposed plat or any other land owned by the applicant that is adjacent to the proposed plat. Three (3) copies of the notice of application shall be posted in at least three (3) conspicuous places on the boundaries of the proposed plat within five (5) days after the notice of complete application is sent to the applicant. The date of the notice of application shall be the date the notice is mailed.

Section 45. Section 18.16.050 of the Bellingham Municipal Code is hereby amended as follows:

.050 PUBLIC HEARING

Upon receipt of a proposed preliminary plat, a public hearing before the Commission shall be scheduled. Notice of such hearing shall be given by publication of at least one (1) notice not less than ten (10) days prior to the hearing in a newspaper in general circulation in the City. Three (3) copies of the notice of hearing shall be posted in at least three (3) conspicuous places on the boundaries of the proposed plat at least one (1) week prior to the date of hearing. Individual notice shall be mailed to all property owners within three hundred feet (300') of any portion of the proposed plat or any other land owned by the applicant that is adjacent to the proposed plat not less than ten (10) days prior to the hearing. The actual cost of public notice, mailing and publication shall be borne by the applicant.

If the threshold determination requires public notice under Chapter 43.21C RCW, the City shall issue its threshold determination at least fifteen days prior to the Commission hearing.

Section 46. Section 18.16.070 of the Bellingham Municipal Code is hereby amended as follows:

.070 TECHNICAL REVIEW COMMITTEE

Upon receipt of a preliminary plat, the Technical Review Committee consisting of the Planning and Economic Development Director as Chairman, Public Works Director, Fire Chief, Traffic Superintendent, or an authorized representative of each, shall, after receipt of a complete application for a preliminary plat, conduct an informal meeting with the developer(s) for the purpose of reviewing and pointing out what, if any, corrections, additions, deletions, etc., should be made to the preliminary plat prior to the Commission public hearing. The recommendation of the Technical Review Committee shall be forwarded to the Commission, City Council, and developer(s).

Section 47. Section 18.16.090 B. of the Bellingham Municipal Code is hereby amended as follows:

- B. After considering the preliminary plat at the public meeting, the Council may adopt, change or reject the recommendation of the Commission based on the record established at the public hearing. If the Council adopts the recommendation of the Commission, no further action is required of the Council or Commission relative to the Preliminary Plat. However, if the Council deems it necessary to change or reject the Commission's recommendation, the City Council shall adopt its own recommendations and approve or disapprove the preliminary plat.

Section 48. A new Section 18.16.092 is hereby added to the Bellingham Municipal code as follows:

.092 NOTICE OF DECISION

A. The procedures contained in BMC 21.01.050 C. shall apply.

Section 49. Section 18.48.015 B. of the Bellingham Municipal Code is hereby amended as follows:

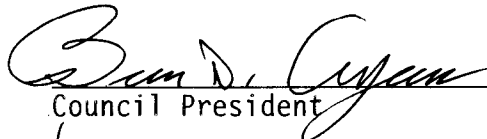
.015 B. APPEALS

B. Any decision approving or disapproving any plat shall be reviewable under Chapter 36.70C RCW.


Section 50. BMC Section 2.54.040 (B) shall be amended as follows:

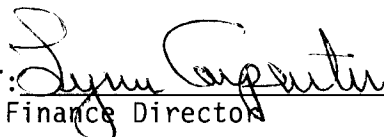
B. Except for actions of the Board which are recommendations to the City Council or other official or body which makes the final determination, pursuant to this code, the action of the Board shall be final and conclusive unless an action is commenced in a court of competent jurisdiction as provided in RCW Chapter 36.70 C.

PASSED by the Council this 11th day of March, 1996.

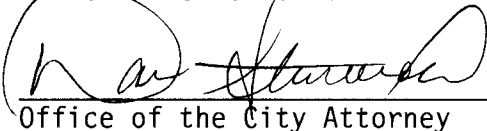

Council President

APPROVED by me this 20th day of March, 1996.


Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

PUBLISHED: MAR 23, 1996

LEGAL ADVERTISING INSERTION ORDER/INVOICE

THE BELLINGHAM HERALD

676-2600 • 384-0878 P.O. Box 1277 • Bellingham, WA 98227

Your Legal Advertising for the total month will be summarized on your monthly statement. *676-6900*

INCHES		TOTAL LINES <u>33</u>		AFFIDAVIT CHARGE		TOTAL CHARGE	
		_____ \$ _____		\$ <u>0</u>		\$ <u>24.41</u>	
		_____ \$ _____					
DAY	MON	TUE	WED	THU	FRI	SAT	SUN
MONTH	1	2	3	4	5	6	7
DATE	1	2	3	4	5	6	7
	11	12	13	14	15	16	17
	21	22	23	24	25	26	27
	31						
AFFIDAVIT:		LEGAL NO.		P.O. #		DAYS RUN	
<input type="checkbox"/> BLUE <input type="checkbox"/> WHITE <input type="checkbox"/> NO AFFIDAVIT		<u>45838</u>				<u>3/23</u>	
						* ACCOUNT NUMBER	
						<u>400103</u>	
MAIL AFFIDAVIT TO: _____				AD CONTENTS: <u>Ord. 10719</u>			
_____				_____			
_____				_____			

* PLEASE REFERENCE ACCOUNT NUMBER WHEN PAYING

LEGAL ADVERTISING INSERTION ORDER/INVOICE

THE BELLINGHAM HERALD

676-2600 • 384-0878 P.O. Box 1277 • Bellingham, WA 98227

Your Legal Advertising for the total month will be summarized on your monthly statement. *676--6900*

INCHES		TOTAL LINES <u>33</u>		AFFIDAVIT CHARGE		TOTAL CHARGE	
		_____ \$ _____		\$ <u>0</u>		\$ <u>24.41</u>	
		_____ \$ _____					
DAY	MON	TUE	WED	THU	FRI	SAT	SUN
MONTH	1	2	3	4	5	6	7
DATE	1	2	3	4	5	6	7
	11	12	13	14	15	16	17
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	31						
AFFIDAVIT:				LEGAL NO.		P.O. #	
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						<u>3/23</u>	
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						<u>400103</u>	
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_____				<u>Ord. 10719</u>			
_____				_____			
_____				_____			

* PLEASE REFERENCE ACCOUNT NUMBER WHEN PAYING

STATE OF WASHINGTON, } ss **Affidavit of Publication**
COUNTY OF WHATCOM, }

City of Bellingham
ORDINANCE NO. 10719
AN ORDINANCE RE-
LATING TO LAND USE
REGULATION AND
ZONING, ADOPTING
NEW ADMINISTRATIVE
PROCEDURES FOR
THE PROCESSING OF
PROJECT PERMIT AP-
PLICATIONS, AS RE-
QUIRED BY THE REGU-
LATORY REFORM ACT,
CHAPTER 36.70B RCW,
ADDING A NEW ADMIN-
ISTRATIVE TITLE 21 TO
THE BELLINGHAM MU-
NICIPAL CODE,
AMENDING BMC SEC-
TION 254.040 B, BMC
TITLE 20 (LAND USE
DEVELOPMENT ORDI-
NANCE), BMC TITLE 18
(SUBDIVISION ORDI-
NANCE), BMC CHAP-
TER 17.80 (LANDMARK
PRESERVATION) AND
BMC CHAPTER 16.40
(SHORELINES).

For full context of the or-
dinance, call the Finance
Dept. 676-6900.

(L5838)

Gail Kihn

being first
duly sworn on oath says: That (s)he is the Public Notices Clerk of
The Bellingham Herald, a daily newspaper of general circulation in
said county and state and of Federated Publications, Inc., a Dela-
ware Corporation (publisher of said newspaper), and authorized to
make this affidavit; that the legal notice entitled in the cause and
court named on the attached copy which is a true and correct copy
of the original (and hereinafter referred to as "Notice") was pub-
lished in the regular and entire issue, and not in supplement, of
each number of said newspaper published and circulated on the
following dates, to wit:

March 23, 1996

that for more than six months prior to the date of the first publica-
tion of said Notice, at all times since, and now, the said "The Bell-
ingham Herald" has been established, published and circulated in
the English language continuously and continually as a daily
newspaper in the city of Bellingham, Whatcom County, Washing-
ton, the same being at all times printed either in whole or in part in
an office maintained at said place of publication; that such news-
paper has been approved as a legal newspaper by order of the
Superior Court of Whatcom County, Washington; that the full
amount of the fee charged for such publication is \$ 24.41

Gail Kihn

Subscribed and sworn to before me this

26th day of March, 19 96

Saline C. Caines
NOTARY PUBLIC in and for the State of Washington,
residing at Bellingham

CITY OF BELLINGHAM, WASHINGTON

ORDINANCE NUMBER:

10719

COUNCIL BILL NUMBER:

12175

AGENDA BILL NUMBER:

12379

AGENDA BILL INTRODUCED:

3/4/96

FIRST & SECOND READINGS:

$$3 \overline{) 4196}$$

THIRD & FINAL READING:

3/11/96

PUBLISHED:

3/23/96