

ORDINANCE NO. 1998-11-088

AN ORDINANCE RELATING TO LAND USE REGULATION AND ZONING, ADDING A NEW SECTION 20.10.046 AND AMENDING CHAPTERS 20.08.020 C , 20.30.030 A, 20.32.03 A, 20.34.030 A, 20.36.030 A, AND 20.38.050 B, C, AND D OF THE BELLINGHAM MUNICIPAL CODE TO PROVIDE FOR COMMUNITY PUBLIC FACILITIES.

WHEREAS, it is recognized that the City's land use regulations needs to provide for the siting of certain essential or desired public service facilities, and

WHEREAS, due to changes in state laws, using the rezone process to authorize location of certain common community facilities is no longer practical or timely, and

WHEREAS, the zoning review of certain community public facility project designs should include opportunity for public review and comment, and

WHEREAS, the Planning Commission initiated review of a proposed zoning amendment for community public facilities and held a public hearings on October 30, 1997 and December 4, 1997 and thereafter recommended approval of the amendment, and

WHEREAS, the City Council held a public hearing on March 2, 1998 to take testimony on the proposed amendment, and

WHEREAS, a determination of nonsignificant environmental impact was issued by the responsible official under the procedures of the Environmental Policy Act, and

WHEREAS, the City Council hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. BMC Section 20.08.020 C (14) through (23) are hereby renumbered (15) through (24) and a new (14) added as follows:

- (14) Community Public Facilities: The following government owned or operated facilities generally designed to serve the local area of Bellingham: fire stations, police stations and court facilities (but not jails or correctional institutions), storm water detention facilities, branch libraries, transit stations, park and ride lots, water storage facilities and parks, trails and playgrounds.

Section 2. A new BMC Section 20.10.046 is hereby added as follows:

.046 COMMUNITY PUBLIC FACILITIES APPROVAL

- A. 1. **Applicability.** When a community public facility (CPF) approval is required for the location of a community public facility as defined in Section 20.08.020 C. (14), the procedures contained in this section shall apply. Storm water detention facilities or water storage facilities that are approved by the City as part of a preliminary plat, binding site plan contract or planned contract shall not require a separate CPF approval. In these cases, any additional submittal requirements in Section 20.10.046 C. shall apply and the factors listed in Section 20.10.046 D. (a - i) shall be considered.

2. Special provisions for Planned use qualifier zones: In Planned Residential zones, a Public Facilities review process and approval must be obtained prior to establishment of community public facilities unless otherwise provided in Section 20.38.050 B. or in Section 20.38.046 A. (1) above. In Planned Commercial and Planned Industrial zones, a planned development contract shall be in effect prior to establishment of community public facilities unless otherwise provided in Section 20.38.050 C. and D. respectively. If a previously approved planned development contract exists that already allows the use, no new contract will be required. However, if the use was not authorized under the prior contract, this amendment shall not be construed to authorize the addition of the use until a contract amendment is approved.

B. Neighborhood Meeting. The applicant shall conduct a neighborhood meeting to discuss the proposed community public facility and receive neighborhood ideas and comments. Notice of the date, time and location of the neighborhood meeting shall be provided by the applicant to, 1) the Department of Planning and Community Development, 2) the appropriate representative(s) to the Mayor's Neighborhood Advisory Commission, 3) neighborhood associations, citizens, and media organizations that have filed a request for notice with the Planning and Community Development Department and, 4) to the same persons and in the same manner as the notice required in subsection E, except that signs notifying the public of the neighborhood meeting shall be posted on the site at least fifteen (15) days prior to the meeting. The mail and sign notices shall be on a form provided by the Planning and Community Development Department 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 about 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 include information regarding the date, time and list of persons notified for the neighborhood meeting.

- C. Submittal Requirements. The Planning and Community Development Director shall prescribe the content of the forms to be used for CPF permit applications. At a minimum, the application shall include the following:
1. Copies of a site plan showing the proposed locations of new or existing structures to be used for the facility, parking, landscaping areas, equipment installations and similar features.
 2. Proposed street improvements and utility extensions, if any.
 3. Preliminary plans showing any proposed grading, storm water facilities and/or landscaping.
 4. Preliminary building plans for any new proposed buildings and additions or preliminary floor plans showing the proposed use of existing buildings.
 5. A State Environmental Policy Act Environmental Checklist, if applicable.
 6. A statement describing why there is a need for the facility and why the proposed design and location were chosen.

- D. Standards and Evaluation. The City Council shall have the authority to require standards more stringent than the zone's development regulations or allow relief from these standards if the Council finds that such modifications are necessary to accommodate the special needs of an appropriate use and/or mitigate impacts from the use.

The following factors shall be considered during evaluation of the proposal:

- a) The demonstrated community need for the facility
- b) Adequacy of streets, utilities and public services required to serve the use
- c) Traffic impacts on surrounding streets and pedestrian circulation
- d) The adequacy of parking, circulation and access
- e) The degree to which the design of the facility has considered the nature of the adjacent land uses and has incorporated measures to minimize adverse impacts, to the extent practicable, by screening, landscaping, lighting, arrangement of facilities on the site, choice of architectural type and similar features.
- f) Availability of public transportation, if applicable
- g) Consistency with the goals and policies of the Bellingham Comprehensive Plan

- h) Compliance with other local, state and federal regulations
- i) Adequacy of pedestrian access

E. Planning Commission Review. The Planning Commission shall hold a public hearing on any proposed CPF before making a recommendation.

- (1) Advertising. The City shall advertise the public hearing in a newspaper of general circulation at least fifteen (15), and not more than thirty (30) days before the scheduled hearing date.
- (2) Written Notice. Written notice of the hearing shall be mailed by the Department of Planning and Community Development no less than fifteen (15) days before the date of the hearing to the applicant, to other reviewing agencies, to all property owners directly affected by the request, to all property owners and/or residents within at least three-hundred (300) feet of the request as measured from the exterior boundary line of the proposal, and to all other individuals and groups who have filed a written request with the Department. A list of property owners for an area larger than the 300-foot boundary may be required in cases where the proposal clearly has impacts outside the 300-foot area. The notification list shall be from the latest available records of the Whatcom County Assessor's Office. No responsibility will be assumed by the applicant,

Commission, Council or City staff 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 guidelines prescribed, when the County Assessor's records are accurate, shall constitute grounds for a rehearing. The applicant and city staff shall make every reasonable effort to notify property owners and residents within the established notification area.

- (3) Posting. The applicant shall post public notice (signs) on the property no less than thirty (30) days before the Planning Commission hearing. The sign(s) shall be of a size, material and content as specified by the Planning and Community Development Department. The sign(s) shall be posted at an area of the site adjoining public rights-of-way and/or at other locations where the signs will be most visible to the public. Larger sites will require more than one sign as determined by the Department. The applicant is responsible for posting and maintaining the sign(s) at the site until the City has completed action on the request and for removing the sign(s) thereafter and returning them to the Department.

(4) Public Hearing. The Commission, in holding the public hearing, shall listen to all relevant arguments for, against, or neutral to the request and thereafter forward their findings and recommendations to the City Council.

F. City Council Action. After proper notice and posting in the same manner as for the Planning Commission hearing, the Council will hold a public hearing(s) and work sessions as necessary to consider the findings and recommendations of the Planning Commission. The City Council shall have the authority to confirm, alter, modify or deny any of the Planning Commission's recommendations in making their decision. The City Council may also condition any approval if they determine the conditions are necessary to satisfy applicable regulations or criteria. The Council's decision shall be in the form of a resolution.

Section 3. Bellingham Municipal Code Section 20.30.030 A., regarding permitted uses in Residential Single zones, shall be amended to add a new subsection (11) as follows:

(11) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 4. Bellingham Municipal Code Section 20.32.030 A. DUPLEX, regarding permitted uses in the Residential Multi zones, shall be amended by adding a new subsection (12) as follows:

- (12) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 5. Bellingham Municipal Code Section 20.34.030 A. NEIGHBORHOOD, regarding permitted uses in the Neighborhood Commercial Zone, shall be amended by adding a new subsection (22) as follows:

- (22) COMMUNITY PUBLIC FACILITIES, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds and branch libraries are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 6. Bellingham Municipal Code Section 20.34.030 A. AUTO regarding permitted uses in the Auto Commercial zone, shall be amended by adding a new subsection (19) as follows:

- (19) COMMUNITY PUBLIC FACILITIES

Section 7. Bellingham Municipal Code Section 20.34.030 A. WATERFRONT, regarding permitted uses in the Waterfront Commercial zone, shall be amended by adding a new subsection (25) as follows:

- (25) COMMUNITY PUBLIC FACILITIES, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds; branch libraries; transit stations and park and ride lots are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 8. Bellingham Municipal Code Section 20.34.030 A. CENTRAL, regarding permitted uses in the Central Commercial zone, shall be amended by adding a new subsection (31) as follows:

(31) COMMUNITY PUBLIC FACILITIES

Section 9. Bellingham Municipal Code Section 20.36.030 A. LIGHT, regarding permitted uses in the Light Industrial zone, shall be amended by adding a new subsection (15) as follows:

(15) COMMUNITY PUBLIC FACILITIES

Section 10. Bellingham Municipal Code Section 20.36.030 A. HEAVY, regarding permitted uses in the Heavy Industrial zone, shall be amended by adding a new subsection (10) as follows:

(10) COMMUNITY PUBLIC FACILITIES, with the exception of branch libraries.

Section 11. Bellingham Municipal Code Section 20.36.030 A. MARINE, regarding permitted uses in the Marine Industrial zone, shall be amended by adding a new subsection (8) as follows:

(8) COMMUNITY PUBLIC FACILITIES, with the exception of branch libraries.

Section 12. Bellingham Municipal Code Section 20.38.050 B. (2), regarding permitted uses in the Planned Residential zone, shall be amended by adding a new subsection (o) as follows:

- (o) Community Public Facilities, subject to the provisions of Section 20.10.046, with the exception that publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

Section 13. Bellingham Municipal Code Section 20.38.050 C (2), regarding permitted uses in the Planned Commercial zone, shall be amended by adding a new subsection (z) as follows:

- (z) Community Public Facilities subject to the provisions of Section 20.10.046 A. (requiring a planned contract) unless the facility qualifies as a permitted use under other permitted uses listed in the Planned Commercial designation, in which case the standard provisions of Chapter 20.38 shall apply.

Section 14. Bellingham Municipal Code Section 20.38.050 D (2), regarding permitted uses in the Planned Industrial zone, shall be amended by adding a new subsection (o) as follows:

- (o) Community Public Facilities subject to the provisions of Section 20.10.046 A. (requiring a planned contract) unless the facility qualifies, as a permitted use under other permitted uses listed in the Planned Industrial designation, in which case the standard provisions of Chapter 20.38 shall apply. Publicly owned parks, trails and playgrounds are permitted and shall not be subject to the provisions of Section 20.10.046.

PASSED by the Council this 23rd day of November,
1998.

Bob Ryan
Council President

APPROVED by me this 8th day of December,
1998.

Mark Anderson
Mayor

Attest: Lynn Carpenter
Finance Director

Approved as to Form:

[Signature]
Office of the City Attorney

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CITY OF BELLINGHAM WASHINGTON

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LEGAL SECRETARY
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