

ORDINANCE NO. 1999-11-073

**AN ORDINANCE RELATING TO LAND USE REGULATIONS AND ZONING
AMENDING ORDINANCE 9024, IN ACCORDANCE WITH THE NEIGHBORHOOD
PLAN AMENDMENT ORDINANCE NO. 1998-02-002.**

Whereas, in February, 1998, the Bellingham City Council approved Ordinance 1998-02-002 adopting new procedures for the processing of neighborhood plan amendment applications (rezones) in accordance with the Growth Management Act Chapter 36.70A.130 RCW; and

Whereas, these procedures replaced BMC Chapter 20.20 and established a public participation process and other procedures to be followed by applicants and the City in the annual review of rezones outside the ongoing neighborhood plan update process; and

Whereas, in accordance with Ordinance 1998-02-002, the Director of Planning and Community Development compiled a list of all rezone requests from property owners, and

Whereas, three (3) rezone requests comprised the original list of Plan Amendments for 1999; and

Whereas, the Director of Planning and Community Development recommended to the City Council which rezones would have relatively minor or localized impacts on the neighborhoods and were, therefore, appropriate to forward to the Planning Commission for the 1999 annual Neighborhood Plan Amendment Process; and

Whereas, the Bellingham City Council conducted a work session on May 10, 1999 and reviewed the three (3) rezone requests and determined two requests were appropriate to be considered in the 1999 annual Neighborhood Plan Amendment Process; and

Whereas, the Bellingham Planning and Development Commission held a public hearing on July 22, 1999 and recommended approval of said rezone application subject to conditions; and

Whereas, a determination of non-significance (DNS) was issued on September 15, 1999 for the rezone request consistent with the Washington State Law (RCW 43.21C); and

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Whereas, the Bellingham City Council held a public hearing on the rezone request on October 4, 1999; and

Whereas, the Bellingham City Council has the authority to confirm, alter, modify or deny any of the Planning Commission recommendations or decisions; and

Whereas, the Bellingham City Council in reviewing the Neighborhood Plan Amendment application considered the six factors listed in the Plan Amendment Ordinance 1998-02-002, and the findings, conclusions and record of the Planning Commission and approved the rezone request subject to conditions;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN

Section 1.

That the Fairhaven Neighborhood Plan shall be amended to include the property legally described on Exhibit A, and shown on Exhibit B, and that this property shall be rezoned to Marine Industrial, Planned, Mixed and shall be placed in a new subarea 1A as described below.

FAIRHAVEN NEIGHBORHOOD

Area 1A

This area located at the southwest intersection of Harris Avenue and 4th Street is approximately five acres and provides a mix of marine and light industrial uses. Marine related uses are appropriate for this area. Light Industrial uses include warehousing functions and assembly type manufacturing operations that do not create a high risk of fire, explosion and radiation. Other light industrial uses are allowed as specified. Drive-through eating establishments and other facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles are prohibited. Some Light Industrial uses are not appropriate in this area and should be excluded from the list of allowed Light Industrial uses. These uses are: strip malls, gas stations, automotive repair services and garages, billboards, advertising devices, utility generation and transmission systems, adult entertainment uses, casinos, card rooms and other gambling facilities. In addition, all Light and Marine Industrial conditional uses should be prohibited in Area 1A. All development should comply with regional air quality and state noise standards.

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The Planned Development Process and Light Industrial zoning regulations are used only for light industrial uses to ensure issues such as mixed-use compatibility, traffic, access, height, view, buffers and setbacks within Area 1A are addressed. Marine Industrial zoning regulations will apply to marine industrial uses. Commercial uses in the new area should be incidental to light and marine industrial uses. Offices and retail sales should be limited to or related to items produced on site.

All new development should be compatible with the character of the Fairhaven Neighborhood. To help achieve compatibility and lessen impacts on public open spaces, pedestrian trails and upland residential areas, special conditions should apply to this area, including: building height for light industrial and commercial uses only, views, setbacks from public open space and trails, and design review. The maximum building height for light industrial and commercial uses should be measured from the existing street grades rather than from finished grades and should not exceed 35 feet. Setbacks should be adjusted to eliminate excessive setbacks between similar industrial/public utility uses and to maintain and enhance buffers between industrial uses and public open spaces and trails. Screening between new development and these public spaces should incorporate evergreens that will provide total year round screening. Additional buffering may be required to separate more intensive industrial uses from the public spaces and upland residential areas. Signage should be limited and controlled by the prohibition of billboards (outdoor advertising signs) and roof signs. Flashing or revolving signs should not be allowed. No sign should be erected on building walls facing and lying adjacent to public open spaces, pedestrian trails or upland residential areas.

- General Use Type : Industrial
- Use Qualifier : Marine, Planned, Mixed; All light industrial uses are allowed as provided in Sec. 20.36.030 with the exception as noted.* The Planned process shall apply only to light industrial uses.
- Density : N/A
- Special Conditions : for all light industrial and commercial uses building height shall not exceed 35' above the existing street grades; for all new development the following conditions shall apply "design review" view, signage; no vehicular drive-through facilities shall be allowed; offices and retail sales shall be limited to or

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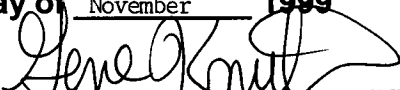
related to items produced on site; no minimum setback requirement for development adjacent to Post Point Wastewater Treatment Plant except for that portion adjoining the facility's public open space area and pedestrian trail abutting 4th Street, and then the setback shall be 25'; additional buffering may be required for more intensive industrial uses adjacent to the Wastewater Treatment Plant open space and trail area and along the pedestrian trail abutting 4th Street.

Signage shall be limited and controlled by the prohibition of billboards (outdoor advertising signs) and roof signs. Flashing or revolving signs shall not be allowed. No sign shall be erected on building walls facing and lying adjacent to public open spaces, pedestrian trails or upland residential areas.

Prerequisite Considerations : Improvement to Harris Avenue to match adjacent arterial street standards on the north. Improvement of west side of 4th Street and improvement of McKenzie Avenue to standards approved by the Public Works Department as appropriate for adjacent land use.

- Prohibited uses in Area 1A include: Drive-through eating establishments and other facilities which provide for the ordering, payment or pick-up of goods and/or services for customers staying within motorized vehicles, strip malls, gas stations, automotive repair services and garages, billboards, advertising devices, utility generation and transmission systems, adult entertainment uses, casinos, card rooms and other gambling facilities, and all Marine and Light Industrial Conditional Uses.

PASSED by the Council the 8th **day of** November 1999



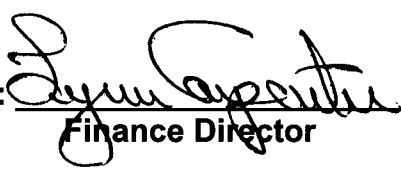
Council President

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APPROVED by me this 15th day of November 1999



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

Published 11/12/99

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NPAORDINANCE.99 (5)

Parcel # 370202 460084 0000

THAT PTN OF E 100 FT OF TR LY W OF BLK 45 FAIRHAVEN AM DAF
– THAT PTN OF GOVT LOT 1 – BLK 45 FAIRHAVEN AM DAF – BEG AT
INTERS OF NLY R/W MARGIN OF MCKENZIE AVE-WLY R/W MARGIN
OF FOURTH ST – TH W ALG SD NLY

That portion of Government Lot 1, Section 2, Township 37 North, Range 2
East of W.M., and Block 45 of the "Amended Plat of Fairhaven, Whatcom
County, Washington." now part of the consolidated City of Bellingham, as
per map thereof, recorded in Book 2 of Plats, page 11, in the Auditor's
office of said Country and state.

Together with the vacated North 10 feet of McKenzie Avenue abutting said
tract on the south as vacated by Ordinance No. 8789 of the City of
Bellingham dated September 17, 1979.

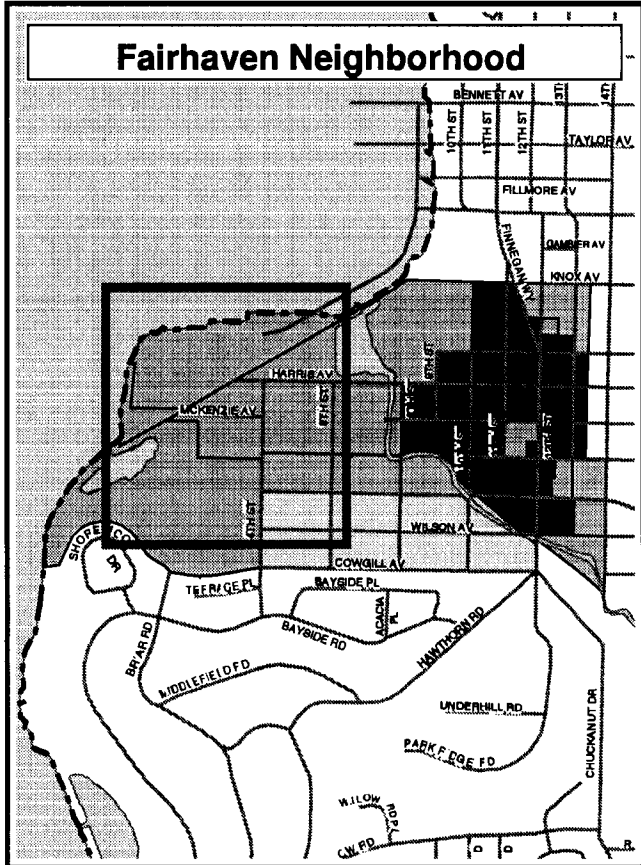
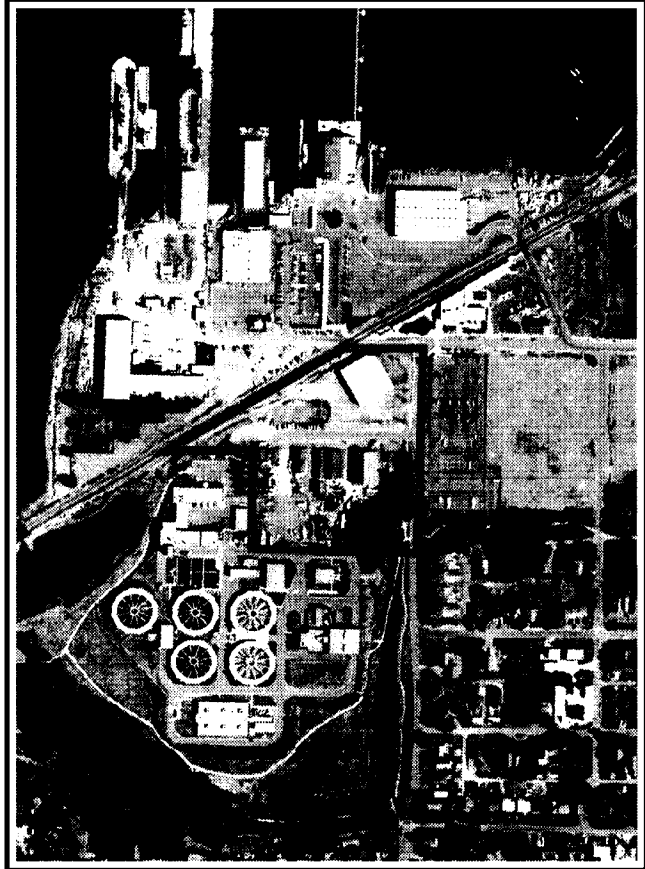
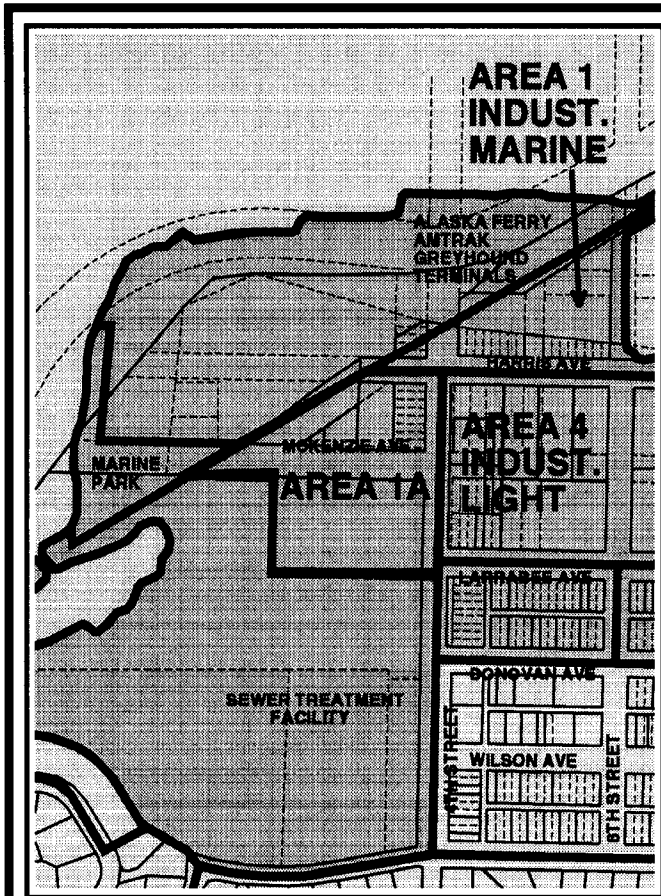
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TR IN GOVT LOT 1 DAF-BEG ON S LI OF MCKENZIE AVE 50 FT W OF
C/L OF FOURTH ST FAIRHAVE LAND CO'S 2ND ADD TO FAIRHAVEN
TH W ALG S LI OF MCKENZIE AVE 474 FT-TH SLY PAR TO FOURTH
ST 300 FT-TH E PAR TO

Beginning at a point on the South line of McKenzie Avenue, 50 feet West
of the centerline of Fourth Street, "Plat of the Fairhaven Land Company's
Second Addition to Fairhaven, thence West along the South line of
McKenzie Avenue, 474.0 feet; thence Southerly parallel to Fourth Street
300.0 feet; thence East parallel to McKenzie Avenue, 474.0 feet to the
West line of Fourth Street; thence Northerly along the West line of Fourth
Street, 300.0 feet to the point of beginning, situate in Whatcom County,
Washington.

Parcel # 370202 435068 0000

LEASE #500,147—1,966 SF LY WITHIN TR DAF-BEAP ON N LI OF
MCKENZIE AVE 1009 FT W FR W LI OF BENNETT AVE-NOW FOURTH
ST—BEING SW COR OF BLK 45 FAIRHAVEN AM-TH W 500 FT-TH N
210 FT-TH E 400 FT-TH S 10



Legend:

	Resid Single		Commercial/Industrial
	Resid Multi		Industr/Resid Multi
	Commercial		Res Single/Res Multi
	Industrial		Instt/Resid Multi
	Public		Com/Ind/Resid Multi
	Institutional		Proposed Rezone

AREA 1A

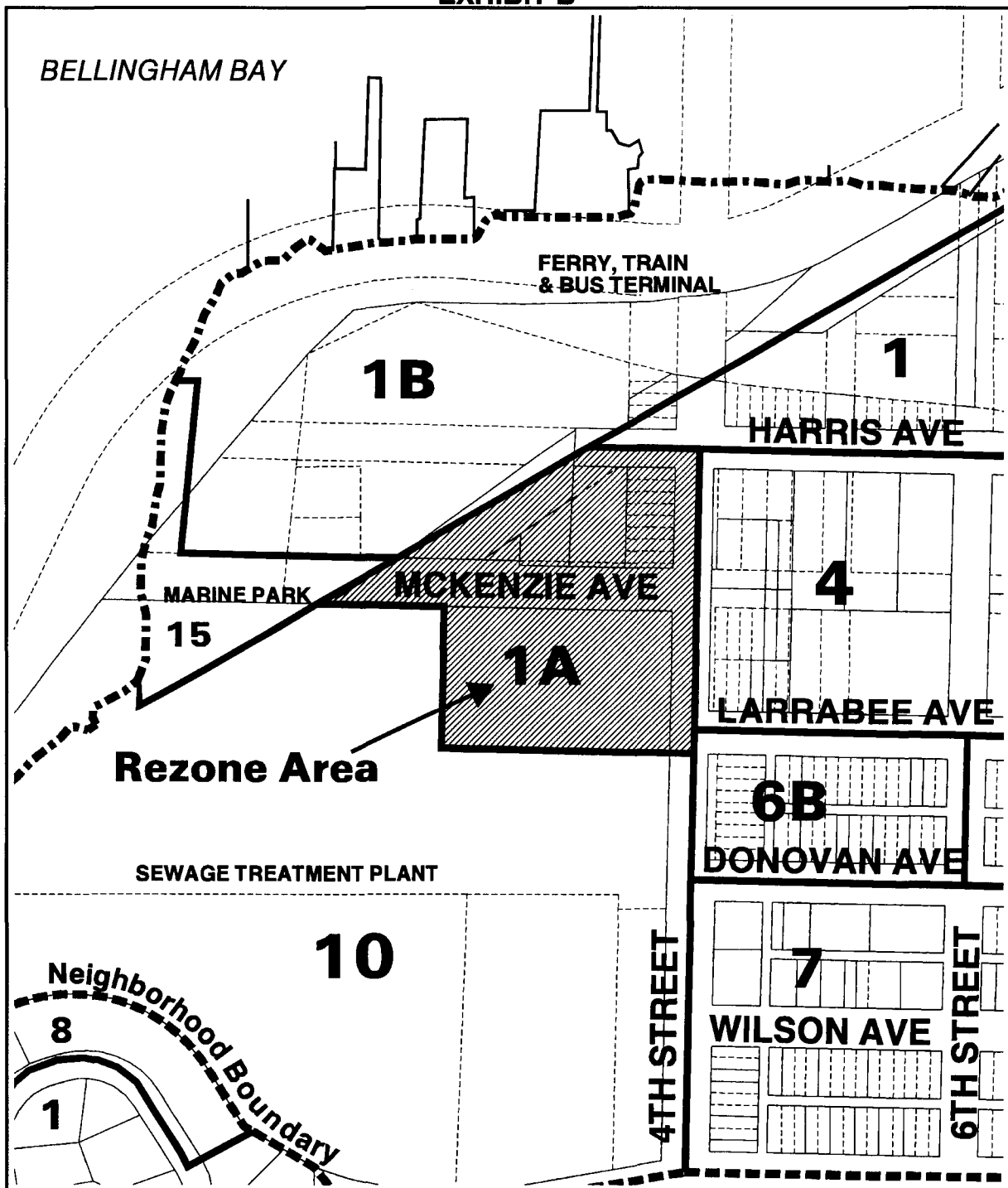
Industrial, Marine Planned Mixed

1999 Neighborhood Plan
Amendment Process



Planning &
Community Development
1999

EXHIBIT B



AREA 1A, FAIRHAVEN NEIGHBORHOOD

1999 NEIGHBORHOOD PLAN AMENDMENT

City of Bellingham
Planning and
Community Development



RESOLUTION 1999-47

A RESOLUTION OF THE CITY OF BELLINGHAM SEGREGATING A LOCAL IMPROVEMENT DISTRICT ASSESSMENT, IN THE BARKLEY BOULEVARD LID NO. 1099 FOR THE PLAT OF BAY CREST PHASE 2.

RESOLUTION 1999-48

A RESOLUTION OF THE CITY OF BELLINGHAM SEGREGATING A LOCAL IMPROVEMENT DISTRICT ASSESSMENT, IN THE BARKLEY BOULEVARD LID NO. 1099 FOR THE PLAT OF BRANDYWINE PHASE 3.

ORDINANCE 1999-11-071

AN ORDINANCE RELATING TO THE 1999 BUDGET AND APPROPRIATING \$66,647.65 IN ADDITIONAL FUNDS IN THE GENERAL FUND FOR THE CITY'S SHARE OF THE PROPERTY PURCHASED JOINTLY WITH THE BELLINGHAM SCHOOL DISTRICT ON LAKEWAY DRIVE NEXT TO CIVIC FIELD, FROM UNANTICIPATED SALES TAX REVENUE

ORDINANCE 1999-11-072

AN ORDINANCE RELATING TO THE 1999 BUDGET AND APPROPRIATING \$440.00 IN ADDITIONAL FUNDS IN THE PURCHASING AND MATERIALS MANAGEMENT FUND FOR THE RECLASSIFICATION OF A POSITION, FROM ESTIMATED ENDING RESERVE BALANCE.

ORDINANCE 1999-11-073

AN ORDINANCE RELATING TO LAND USE REGULATIONS AND ZONING AMENDING ORDINANCE 9024, IN ACCORDANCE WITH THE NEIGHBORHOOD PLAN AMENDMENT ORDINANCE NO. 1998-02-002.