

**AN ORDINANCE RELATED TO LAND USE REGULATIONS AND AMENDING
BELLINGHAM MUNICIPAL CODE 21.10.190 AND 18.04.100 TO ESTABLISH
PROVISIONS THAT IDENTIFY WHEN A LAND USE APPLICATION HAS EXPIRED.**

WHEREAS, the Planning and Community Development Department has been developing a project management system to improve the City's permit review process and management of projects; and

WHEREAS, the proposed amendments would clarify and establish a 120 day time limit for submitting additional requested information after a land use application is determined to be complete; and

WHEREAS, the proposed amendments support current programs to improve the ease and cost effectiveness of the permitting process by removing inactive land use applications and reducing correction review cycles; and

WHEREAS, the proposed amendments comply with, and implement the goals and policies of the Bellingham Comprehensive Plan; and

WHEREAS, the proposed amendments are exempt from the State Environmental Policy Act, per WAC 197-11-800(19); and

WHEREAS, as required by RCW 36.70A, notice of the City's intent to adopt the proposed code amendment was sent to the Dept. of Community, Trade and Economic Development on May 9, 2008; and

WHEREAS, after mailed and published notice as required by BMC Chapter 21.10, the Planning Commission held a public hearing on June 19, 2008 on the proposed code amendments; and

WHEREAS, the Planning Commission considered the staff report and comments received and thereafter transmitted their recommendation to the City Council; and

WHEREAS, after mailed and published notice as required by BMC 21.10, the City Council held a public hearing on the proposed code amendment on August 4, 2008; and

WHEREAS, the City Council has considered the recommendation of the Planning Commission, the staff report and the public comment and hereby adopts the Findings of Fact and Conclusions of the Planning Commission;

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

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Section 1. Bellingham Municipal Code, Section 21.10.190, is hereby amended as follows:
21.10.190 - Application

A. Submittal requirements. The Director shall specify in writing submittal requirements for applications and provide official application forms. The Director may waive specific submittal requirements determined to be unnecessary for review of an application. The Director may require additional material such as maps, studies or models when the Director determines such material is needed to adequately assess the proposed project. A complete application consists of an application form together with all required information listed in the submittal requirements and payment of the application fee as may be established by the City Council.

B. Determination of Complete Application.

1. This subsection applies to applications requiring a Type I, II, III V-A or VII process.
2. Within 28 days after receiving a permit application, the City shall mail, fax or otherwise provide to the applicant or his authorized representative a written determination which states either that the application is complete or that the application is incomplete and what is necessary to make the application complete. If the Director does not provide a written determination within the 28 days, the application shall be deemed complete as of the end of the 28th day. If the applicant fails to submit the required information within 120 days from the date of the written determination, the application shall become null and void. The applicant may request a refund of application fees but 20% shall be nonrefundable. The Director may extend the response period beyond 120 days if within that time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the required information.
3. 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.
4. A project permit application is complete for purposes of this section when it meets the submittal requirements established by the Director and is sufficient for continued processing even though additional information may be required. The determination of completeness shall not prevent 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 changes in the proposed action.
5. Within 14 days after an applicant has submitted information in response to a notice of incomplete application, the Director shall notify the applicant whether the application is complete or specify what additional information is necessary.

C. Expiration of Applications.

Any complete land use application for which no substantial steps have been taken to respond to the City's request for revisions, corrections or additional information within 120 days of the written determination will expire and become null and void. The applicant may request a refund of application fees but 50% shall be nonrefundable. The time limit does not include those provisions described in BMC 21.10.080 B.2 and

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3. The Director may extend the response period beyond 120 days in accordance with BMC 21.10.080.A.

Section 2. Bellingham Municipal Code, Section 18.04.100, is hereby amended as follows:

18.04.100 - Expiration of Application

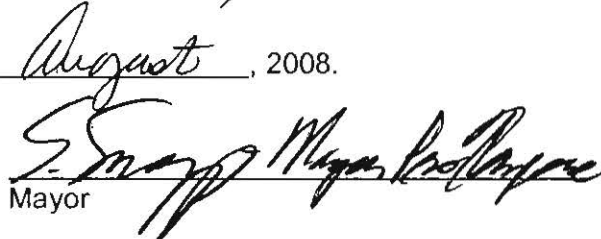
An application for a lot line adjustment, short subdivision, or binding site plan shall expire by limitation three years after the date of written preliminary approval, unless an extension, not to exceed one year is granted, in writing, by the Director.

Any period of time which an administrative or judicial appeal is pending shall not be counted in the three years or one year period. If an application is remanded to the city for action at the conclusion of an appeal, a one year extension shall automatically be granted.

PASSED by the Council this 11th day of August, 2008.


Council President

APPROVED by me this 14th day of August, 2008.


Mayor

ATTEST: 
Finance Director

APPROVED AS TO FORM:


Office of the City Attorney

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