

**ORDINANCE NO. 2010-08-051**

**AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 16.60.070 TO MAKE THE MAXIMUM AREA EXEMPT FROM THE CITY'S CLEARING ORDINANCE CONSISTENT WITH THE AREA EXEMPTIONS FOR THE CITY'S STORMWATER AND CRITICAL AREAS AND LAKE WHATCOM RESERVOIR ORDINANCES.**

**WHEREAS**, on May 11, 1992, the City of Bellingham adopted the Clearing Ordinance (BMC 16.60); and

**WHEREAS**, the maximum area exemption thresholds in the City's Clearing Ordinance (BMC 16.60.070) are not consistent with the area exemptions for the City's Stormwater, Critical Areas and the Lake Whatcom Reservoir ordinances; and

**WHEREAS**, the Planning Commission held a public hearing on June 10, 2010 and recommended adoption of an ordinance amending the exemption threshold level in BMC 16.60; and

**WHEREAS**, the SEPA Official issued a non-project Determination of Non-Significant Environmental Impact on June 9, 2010 for adoption of the ordinance (SEP2010-00022); and

**WHEREAS**, the ordinance was sent out to the appropriate state agencies for expedited review and comment period on June 10, 2010; and

**WHEREAS**, on June 28, 2010, the Department of Commerce confirmed that the state agency notice requirements pursuant to RCW 36.70A.106 have been satisfied; and

**WHEREAS**, the City Council held a public hearing on the ordinance on August 9, 2010.

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**SECTION 1.** Bellingham Municipal Code Section 16.60.070 shall be amended as follows:

**16.60.070 - Exempt Activity**

The following activities are exempt from the provisions of Section 16.60.080 of this chapter:

**A.** Clearing of less than five hundred square feet in area on any lot or parcel, but not to exceed five hundred square feet on contiguous property under the same ownership, provided that the area being cleared does not occur within any critical area, its associated buffer or within the Lake Whatcom Watershed as specified in BMC 16.80 and does not require other permits or SEPA review.

**B.-G.** [No change]

City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

**SECTION 2.** The effective date of this ordinance shall be September 1, 2010.

**PASSED** by the Council this 16<sup>th</sup> day of August, 2010.

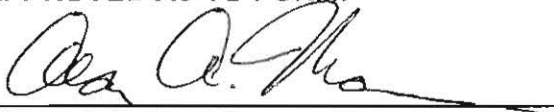
  
\_\_\_\_\_  
Council President

**APPROVED** by me this 23<sup>rd</sup> day of August, 2010.

  
\_\_\_\_\_  
Mayor

**ATTEST:**   
\_\_\_\_\_  
Finance Director

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Office of the City Attorney

*Published 8/20/10*