

**ORDINANCE NO. 2010-12-071**

**AN ORDINANCE AMENDING THE CENTRAL BUSINESS DISTRICT NEIGHBORHOOD PLAN IN ORDER TO REZONE CERTAIN PROPERTY FROM COMMERCIAL WATERFRONT TO LIGHT INDUSTRIAL INCLUDING A CONDITION THAT LIMITS THE HEIGHT OF CERTAIN LEASED AREA WITHIN THE REZONED PROPERTY TO SIXTY FEET IN HEIGHT.**

**WHEREAS**, the City of Bellingham has adopted 24 neighborhood plans as a component of the Bellingham Comprehensive Plan, including the Central Business District Neighborhood Plan; and

**WHEREAS**, the City has a process to amend the comprehensive plan and the neighborhood plans once per year in accordance with BMC 20.20.060 and BMC 21.10.150; and

**WHEREAS**, on November 26, 2008 the applicant submitted a letter to the PCDD requesting a Neighborhood Plan Amendment / Rezone for review during 2009; and

**WHEREAS**, the applicant withdrew the 2008 request prior to the formal review process.

**WHEREAS**, on November 30, 2009 the Planning and Community Development Department received a new Docketing Application from Seaview North Boatyards requesting same Neighborhood Plan Amendment / Rezone; and

**WHEREAS**, the proposed Neighborhood Plan Amendment / Rezone certain property from Commercial Waterfront to Industrial Light; and

**WHEREAS**, the City Council docketed the proposal on February 22, 2010; and

**WHEREAS**, on March 12, 2010 a waiver request for the Pre-Application meeting with city staff was granted; and

**WHEREAS**, on March 22, 2010 Seaview held the required neighborhood meeting at the Squalicum Boathouse. Two citizens attended the meeting as well as two representatives from Seaview, a representative from the Port of Bellingham (the property owner) and one City staff person from the Planning Department; and

**WHEREAS**, on March 23, 2010, Seaview submitted a complete Neighborhood Plan Amendment / Rezone application, a complete SEPA Checklist including Part D (Non-Project Supplemental) and the appropriate fees; and

**WHEREAS**, on May 6, 2010 the applicant submitted several renderings of a preliminary building design on the subject site. These renderings are from different locations / viewpoints along Eldridge Avenue.

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

**WHEREAS**, on May 7, 2010 notice of the Planning Commission hearing was mailed to neighborhood representatives and associations and other parties with an interest in this topic. Same notice was also published the Bellingham Herald. Notices were issued at least 30 days prior to the Planning Commission public hearing date.

**WHEREAS**, a non-project SEPA Determination of Non-Significance was issued by the City of Bellingham on May 7, 2010.

**WHEREAS**, the Planning Commission held a public hearing on June 10, 2010 and recommended approval of the subject rezone and neighborhood plan amendment with a condition that limited height to 60-feet for the subject property; and

**WHEREAS**, on July 23, 2010 the ordinance was sent out to the appropriate state agencies for the required 60-day review period as required by RCW 36.70A.106; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments on August 16, 2010.

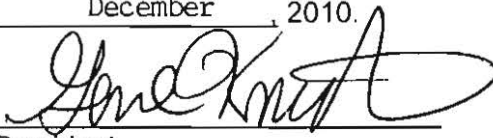
**WHEREAS**, the City Council finds that the proposal complies with BMC 20.19.030 and BMC 20.20.060 for Rezones and Neighborhood Plan Amendments.

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

**Section 1.** The Central Business District Neighborhood Plan Land Use Map in BMC 20.00.03 is hereby amended as shown in Exhibit A.

**Section 2.** The Central Business District Neighborhood Zoning Table in BMC 20.00.030 is hereby amended as shown in Exhibit B.

**PASSED** by the Council this 13th day of December, 2010.

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


**APPROVED** by me this 16<sup>th</sup> day of December, 2010.

  
\_\_\_\_\_  
Mayor

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

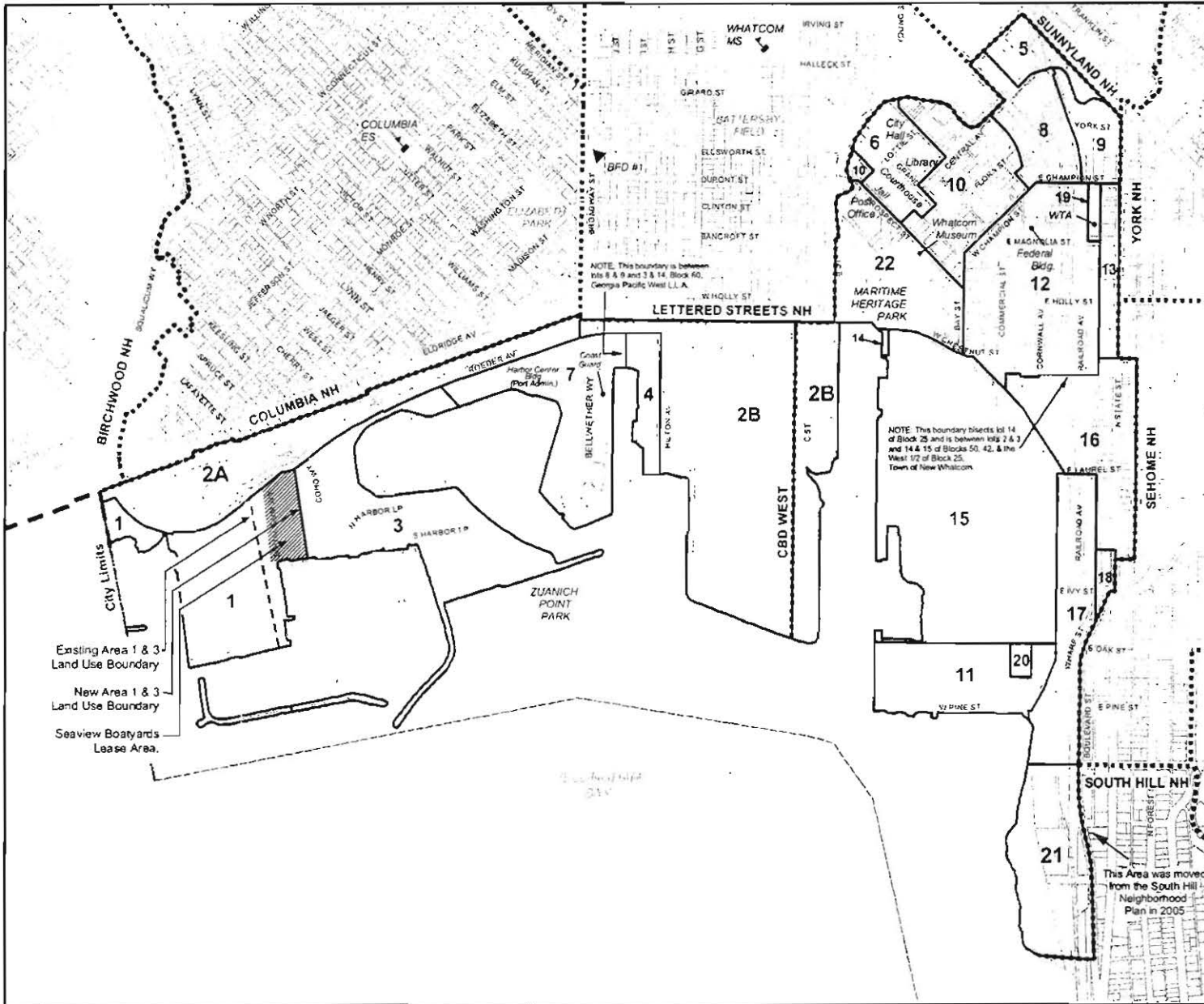
City of Bellingham  
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210 Lottie Street  
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APPROVED AS TO FORM:

  
Office of the City Attorney

Published: December 17, 2010

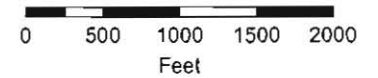
# EXHIBIT A



## CBD NEIGHBORHOOD LAND USE

Legend:

AREA	COMPREHENSIVE PLAN LAND USE DESIGNATION
1	Industrial
2A	Industrial
2B	Industrial/Mixed-use
3	Commercial
4	Industrial/Mixed-use
5	Industrial
6	Public
7	Commercial
8	Commercial
9	Commercial
10	Commercial
11	Industrial/Mixed-use
12	Commercial
13	Commercial
14	Commercial
15	Industrial/Mixed-use
16	Commercial
17	Industrial/Mixed-use
18	Commercial
19	Public
20	Public/Mixed-use
21	Industrial/MixedUse
22	Commercial (Old Town Sub-Area)



City of Bellingham  
Planning Department  
2010

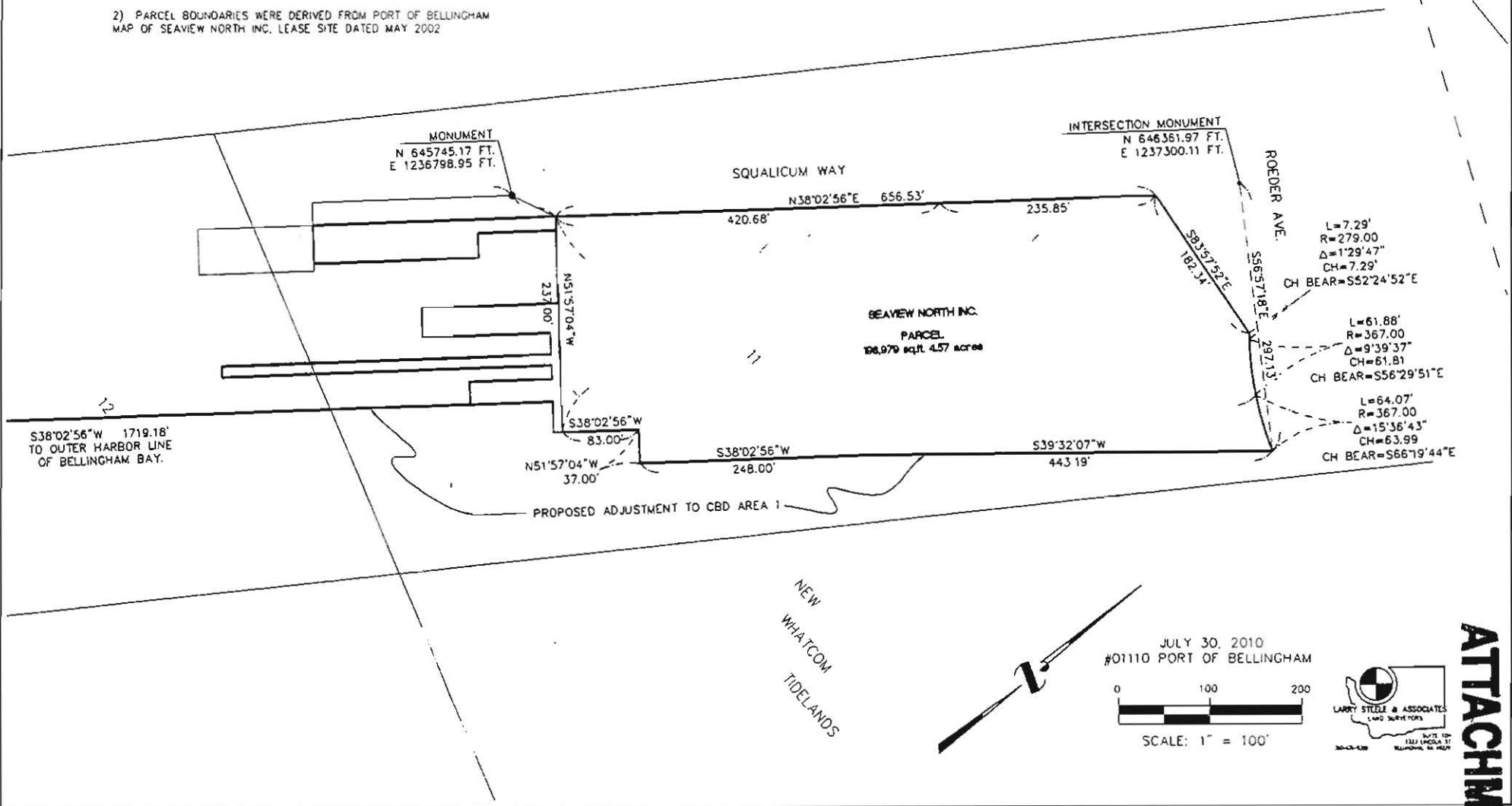
## EXHIBIT B

Area	Zoning	Use Qualifier	Density	Special Conditions	Prerequisite Conditions	Special Regulations
1	Industrial	Light, mixed uses	N/A	Shoreline. Property legally described in ATTACHMENT 1 shall have a height limit of 60-feet.	None	Mixed uses include: <ol style="list-style-type: none"> <li>1. Manufacturing of water related goods such as:               <ol style="list-style-type: none"> <li>a. Ship and boat building and repair</li> <li>b. Canned and cured fish and seafoods</li> <li>c. Fresh or frozen packaged fish and seafoods</li> </ol> </li> <li>2. Other uses pertaining to the storage, manufacture or construction of any product which requires or is functionally dependent upon water transport.</li> </ol>

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**NOTE**

- 1) COORDINATES SHOWN ARE ON WASHINGTON STATE GRID, NORTH ZONE (NAD83/91) IN U.S. SURVEY FEET FROM TIE TO DAVID EVANS AND ASSOCIATES AERIAL CONTROL POINTS IN 2002.
- 2) PARCEL BOUNDARIES WERE DERIVED FROM PORT OF BELLINGHAM MAP OF SEAVIEW NORTH INC. LEASE SITE DATED MAY 2002



**ATTACHMENT 1**

**LEGAL DESCRIPTION  
PORT OF BELLINGHAM  
NEIGHBORHOOD PLAN REZONE  
(Seaview North, Inc.)**

A parcel of land lying within Block 11 of New Whatcom Tidelands Addition to the City of Bellingham, Whatcom County, Washington, according to the plat thereof, recorded in book 4 of Plats, page 31, records of said county and state described as follows:

**Commencing** at a cased brass monument on Squalicum Way whose Washington State Lambert Grid Coordinates, North Zone (NAD83/91) are North 645,745.17 feet and East 1,236,798.95 feet; Thence North 66°19'23" East a distance of 52.78 feet to the **Point of Beginning**;

Thence North 38°02'56" East a distance of 656.53 feet along the Easterly Right-of-Way line of Squalicum Way to a point;

Thence South 83°57'52" East a distance of 182.34 feet to a point;

Thence along a curve to the right whose chord bearing is South 52°24'52" East and a chord distance of 7.29 feet and whose radius is 279 feet through an angle of 1°29'47" to a point;

Thence along a curve to the left whose chord bearing is South 56°29'51" East and chord distance of 61.81 feet and whose radius is 367 feet through an angle of 9°39'37" to a point;

Thence continuing along said curve to the left whose chord bearing is South 66°19'44" East and chord distance of 63.99, and whose radius is 367 feet through a central angle of 15°36'43" to a point;

Thence South 39°32'07" West a distance of 443.19 to a point;

Thence South 38°02'56" West a distance of 248.00 feet;

Thence North 51°57'04" West a distance of 37.00 feet to a point;

Thence South 38°02'56" West a distance of 83.00 feet to a point;

Thence North 51°57'04" West a distance of 237.00 feet to the **Point of Beginning**.

Containing 4.57 Acres more or less.

Situate in Whatcom County, Washington.

Note: The above legal description was derived from Port of Bellingham map of Seaview North, Inc. lease site dated May, 2002, and Redden Net lease dated November 19, 1982.

Prepared by Larry Steele & Associates, Inc.  
Land Surveyors  
1323 Lincoln St.  
Bellingham WA 98229  
360-676-9350  
Job #01110  
July 30, 2010

